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PART-IIA

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 27th August, 2012.

No.ERTS(E)46/2004/50.—In exercise of the powers conferred by section 36 of the Meghalaya Excise Act (Assam Act I of 1910) as adapted by Meghalaya, the Governor of Meghalaya is pleased to make the following rules further amend the Meghalaya Excise Rules (Assam Service Rules, 1945 as adapted by Meghalaya) (hereinafter referred to as the Principal Rules), namely, :-

- Short title and commencement** - (1) These rules may be called the Meghalaya Excise (Amendment) Rules 2012.
(2) They shall come into force with immediate effect.
- Addition of new Rule** - After rule 374 of the Principal Rules, the following new rule 375 shall be added, namely, -

“**375**-Imposition of Special Duty on imported BIO (Bottled in Origin) - A Special Duty of ₹ 900/- per case is chargeable on all BIO products at the time of import by retailers”.

J. LYNDOH,
Commissioner & Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation & Stamps Department.

The 27th August, 2012.

DECLARATION UNDER SECTION 6 OF THE L.A. ACT, 1984

No.RDA.36/2012/40.

Whereas it appears to the Government of Meghalaya that the land is required to be taken by the Government at the public expenses for public purpose, viz for **Establishment of Medical College** in the village, **Balagre and Jewilgre** under Mouza No. II-10 it is hereby declared that for the above purpose, the land measuring more or less **299 bighas 4 katta 18 lessas** in the District of West Garo Hills of standard measurement, bounded on the:

BOUNDARIES

North : **Balagre A-kingland.**
South : **Rongsadenggre A-kingland.**
East : **Chimesenggre A-king land.**
West : **Jewilgre A-kingland.**

Is required within the aforesaid A-king land of **Balagre and Jewilgre.**

The declaration is made under the provision of **Section 6 of the L.A. Act, 1894, as amended by the Act 68 of 1984** to whom it may concern.

A Plan of the land may be inspected in the Office of the Deputy Commissioner, West Garo Hills, Tura.

Nothing in this declaration will be considered to apply to the land which is reasonable for the said purpose under the terms of the lease and which Government elects to resume instead of acquiring under the Act.

S. R. WALLANG,

Under Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Meghalaya, Shillong.

The 28th August, 2012.

DECLARATION UNDER SECTION 6 OF THE L.A. ACT, 1984

No.RDA.10/2012/29.

Whereas it appears to the Government of Meghalaya that the land is required to be taken by the Government at the public expenses for public purpose, viz for **establishment of Regional Rubber Research Station at village Teksragre & Chikasingre**, it is hereby declared that for the above purpose, the land under **Mouza No. III** measuring more or less **248 B -0 K- 0 L** or **81.98 Acres** approx in the District of West Garo Hills of standard measurement, bounded on the:

BOUNDARIES :

Plot – ‘A’

North : Teksragre A-kingland & Stream.

South : Stream.

East : Dollonggre & Anogre A-kingland & Stream of Agalbaa.

West : Teksragre A-kingland.

Plot- ‘B’

North : Stream.

South : Stream.

East : Dollonggre A-kingland & Stream of Agalbaa.

West : Teksragre A-kingland.

Is required within the aforesaid village of **Teksragre & Chikasingre**.

The Declaration is made under the provision of **Section 6 of the L.A. Act, 1894, as amended by the Act 68 of 1984** to whom it may concern.

A Plan of the land may be inspected in the Office of the Deputy Commissioner, West Garo Hills, Tura.

Nothing in this Declaration will be considered to apply to the land which is reasonable for the said purpose under the terms of the lease and which Government elects to resume instead of acquiring under the Act.

S. R. WALLANG,

Under Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Meghalaya, Shillong.

The 28th August, 2012.

DECLARATION UNDER SECTION 6 OF THE L.A. ACT, 1984

No.RDA.24/2010/28.

Whereas it appears to the Government of Meghalaya that the land is required to be taken by the Government at the public expenses for public purpose, viz for **Construction of BOP of BSF** in the village, **Rimtangpara (Hatimara)** under Mouza No. II-22 it is hereby declared that for the above purpose, the land measuring more or less **7 bighas 2 katta 10 lessas** in the District of West Garo Hills of standard measurement, bounded on the:

BOUNDARIES

North : Rimtangpara A·kingland
South : Indo-Bangladesh Border Road.
East : Paddy Field (Rimtangpara) A·king land.
West : Paddy Field (Rimtangpara) A·king land.

Is required within the aforesaid A·king land of Rimtangpara (Hatimara).

The declaration is made under the provision of **Section 6 of the L.A.Act, 1894, as amended by the Act 68 of 1984** to whom it may concern.

A Plan of the land may be inspected in the Office of the Deputy Commissioner, West Garo Hills, Tura.

Nothing in this declaration will be considered to apply to the land which is reasonable for the said purpose under the terms of the lease and which Government elects to resume instead of acquiring under the Act.

S. R. WALLANG,

Under Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Meghalaya, Shillong.

The 27th August, 2012.

No.RDA.52/2012/17.

It is hereby notified that land measuring more or less **182.60 Sq.m** in **Laitumkhrah**, in the District East Khasi Hills is likely to be needed for a public purpose; viz for widening of road at Laitumkhrah Police Point.

SCHEDULE OF BOUNDARIES.

Plot- A

North :- Foot-path
East :- Motorable road.
South :- Plot of Smti. E. Dkhar & Smti. J. Kharkongor.
West :- Plot of Pamela A.M Roy.
Total Area - 40.70 Sqm.

Plot- B

North :- Foot-path
East :- Plot of Smti. E. Dkhar & Smti. J. Kharkongor
South :- Plot of Pamela A.M Roy.
West :- Plot of Smti. Switzerland Lyngdoh.
Total Area - 97.90 Sqm.

Plot- C

North :- Foot-path
East :- Plot of Pamela A.M Roy..
South :- Plot of Smti. Switzerland Lyndoh.
West :- Plot of Smti. Switzerland Lyndoh.
Total Area - 44.00 Sqm.

This Notification is made under the provisions of Section 4 of Act I of 1894 as amended by Act 68 of 1984 to all whom it may concern.

Objections to the acquisition, if any, filed under Section 5 (A) by any person interested, within the meaning of that Section; within 30 (thirty) days from the date of publication of this Notification in the Gazette and in the 2(two) daily newspapers, which ever is later, before the Collector/Deputy Commissioner of East Khasi Hills will be considered.

Government is pleased to authorize the Officers for the time being engaged in the under taking with their servants and work men, to enter upon and survey the land and do all other acts required or permitted by Sub-Section 2 of Section 4 of the Act.

S. R. WALLANG,

Under Secretary to the Government of Meghalaya,
Revenue and Disaster Management Department,
Meghalaya, Shillong.

The 18th June, 2012.

No.EDN.375/2000/Pt-II/106. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules for regulating the recruitment and conditions of service of persons appointed to the Meghalaya Education, Research and Training Service of Meghalaya.

THE MEGHALAYA EDUCATION, RESEARCH AND TRAINING
SERVICE RULES

1. Short title and commencement:-

- (a) These Rules may be called “the Meghalaya Education, Research and Training Service Rules, 2012.
- (b) They shall come into force from the date of this notification in the Official Gazette.

2. Definition:

In these Rules unless there is anything repugnant in the subject or context:-

- (a) ‘Appointing Authority’ means
 - (1) The Governor in respect of the Gazetted posts;
 - (2) The Head of Department in respect of the Non-Gazetted posts;
- (b) ‘Commission’ means the Meghalaya Public Service Commission;
- (c) ‘Committee’ means the Departmental Promotion Committees constituted under Rule 8.
- (d) ‘Governor’ means the Governor of Meghalaya;
- (e) ‘Government’ means the Government of Meghalaya;
- (f) ‘Member of the Service’ means a member of the Meghalaya Education, Research and Training Service’ (MERTS);
- (g) “Rules” means the Meghalaya Education, Research & Training Service Rules, 2012;
- (h) ‘Service’ means the Meghalaya Education, Research and Training Service’ (MERTS);
- (i) ‘State’ means the State of Meghalaya; and
- (j) ‘Year’ means a Calendar Year.

3. Constitution of the Service:- There shall be constituted a service to be known as the Meghalaya Education, Research and Training Service (MERTS) consisting of the following persons namely :-

- (1) Persons appointed to different posts in the service before the commencement of these Rules.
- (2) Persons appointed to different posts in the service in accordance with the provisions of these Rules.

4. Composition of the Services:- (1) The services shall consist of the following grades:-

- | | | | |
|------|----------------------|---|-----------------------------------|
| i. | Selection Grade – I | : | Director. |
| ii. | Selection Grade – II | : | Joint Director. |
| iii. | Senior Grade – I | : | Deputy Director/Principal (DIET). |
| iv. | Senior Grade – II | : | Selection Grade Lecturers. |
| v. | Junior Grade – I | : | Senior Lecturers/Principal, NTS. |
| vi. | Junior Grade – II | : | Lecturer, DIET/Principal, BTC. |
| vii. | Junior Grade – III | : | Instructor NTS/BTC. |

(2) Each of the categories of posts in clause (i) to (vii) of sub- rule (1) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any post of the higher cadre except in accordance with the provisions made in these Rules.

5. Status:- The Status of the members of the Service holding posts in all the Grades indicated in Rule 4 (1) except Junior Grade III shall be Gazetted and members of the Service belonging to Junior Grade III shall be Non-Gazetted.

6. Strength of the Service:- (1) The strength and composition of the Service shall be such as may be determined by the Governor from time to time.

(2) At the commencement of these Rules, the strength of the service and posts therein shall be as shown in Schedule-I.

7. Method of recruitment:- (1) Appointment to any posts by promotion in the grades other than Junior Grade – II shall be made from the Selection List approved under sub-rule (4) of Rule 10 from amongst the members of the Service holding the next lower Grades.

(2) Appointment to any posts of Lecturers in Junior Grade – II shall be made by direct recruitment on the results of examination conducted by the Commission.

Provided that appointment to the post of Principal, BTC in Junior Grade – II shall be made by promotion from the Select List prepared for the purpose from amongst the Instructors of NTS/BTCs

Provided that 25 percent of vacancies in the post of lecturers in Junior Grade II shall be filled by promotion from the select list prepared for the purpose from amongst the Instructors of NTS/BTCs

(3) Appointment to any post of Instructors in Junior Grade III shall be made by Direct Recruitment as per procedure to be prescribed by Government from time to time.

8. Departmental Promotion Committee:- (1) For the purpose of appointment by promotion under Rule(7) to Selection Grade I & II, Senior Grade I & II and Junior Grade I & II, there shall be a Departmental Promotion Committee consisting of the following members, namely:

- | | |
|---|---------------------------|
| i. <i>Chief Secretary</i> | - <i>Chairman</i> |
| ii. <i>Principal Secretary/Commissioner & Secretary/
Secretary Education Department</i> | - <i>Member Secretary</i> |
| iii. <i>Principal Secretary/Commissioner & Secretary/Secretary,
Personnel & A.R. Deptt.</i> | - <i>Member</i> |
| iv. <i>Principal Secretary/Commissioner & Secretary/
Secretary, Finance Department</i> | - <i>Member</i> |
| v. <i>Director Educational Research & Training</i> | - <i>Member</i> |

(The Committee may invite any other person to attend its meetings if and when considered necessary).

(2) For the purpose of appointment by promotion under Rule (7) other than those mentioned in Rule 8 (1) above, there shall be a Departmental Promotion Committee consisting of the following members, namely:

- | | |
|--|-------------------|
| i. <i>Principal Secretary/Commissioner & Secretary/
Secretary Education Department</i> | - <i>Chairman</i> |
| ii. <i>Principal Secretary/Commissioner & Secretary/Secretary,
Personnel & A.R. Deptt. or his representative</i> | - <i>Member</i> |
| iii. <i>Principal Secretary/Commissioner & Secretary/
Secretary, Finance Department or his representative</i> | - <i>Member</i> |
| iv. <i>Director Educational Research & Training</i> | - <i>Member</i> |

(The Committee may invite any other person to attend its meetings if and when considered necessary).

9. Procedure for preparing the Select lists:-

(1) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each cadre of the Service during the year. To enable the Committee to prepare the lists for promotion to those Grades, the Appointing Authority shall furnish the Committee with the following documents namely:

- i. A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (1); provided that such restriction shall not apply in respect of post where the total of eligible person is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible persons.
- ii. The Character Rolls and Service Records of such persons.

- iii. Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.

(2) The Committee after examining the character rolls, service records and other documents in respect of all such persons, shall prepare a list based on seniority with due regard to merit and suitability. The number of persons to be included in the list shall be according to actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.

(3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.

(4) For the purpose of appointment by promotion under sub rules (1) of Rule 7 the Appointing Authority shall consider the list prepared by the Committee along with the character roll and service records and other documents in respect of each person in the list and unless he considers any change is necessary, approve the list. If the Appointing Authority considers that it necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as in his opinion, may be just and proper.

(5) The list as approved under sub-rule (4) above shall form the select list for the purpose of appointment by promotion under sub-rules (1) of Rule 7.

10. Consultation with the Commission:- (1) The Appointing Authority shall forward the list prepared under Rule 9 to the Commission along with the Character Rolls, Service Records and other relevant documents in respect of each person in the list together with his comments, if any.

(2) The Commission shall consider the lists and documents referred to in sub-rule (1) and such other documents as it may have called for and unless it considers that any change is necessary approve the list.

(3) If the Commission considers it necessary to make any change in the list received from the Appointing Authority, it shall inform him of the change(s) proposed and after taking into account the comments, if any, of the Appointing Authority, approve the said list finally with or without modifications as may in its opinion to be just and proper.

(4) The list as approved by the Commission under sub-rule (2) and sub rule (3) shall form the Select List for the purpose of appointment under sub rule (1) of Rule 7.

11. Validity of the Select List:- The Select List shall remain in force for a period of one year unless its validity is extended with the approval of the Commission;

Provided that such an extension shall not be for a total period exceeding six months;

Provided further, that in the event, of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if he thinks fit, remove the name of such persons from the Select List. The reasons for doing so shall be recorded in writing.

The Committee shall meet once a year to review the Select List.

12. Direct Recruitment:- (1) Competitive Examination for direct recruitment under sub rule (2) and (3) of Rule 7 shall be held at such intervals as the Appointing Authority may, in consultation with the Commission from time to time determined. The date on which and the place at which the examination shall be held, shall be fixed by the Commission.

(2) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may from time to time frame in consultation with the Commission.

(3) Of the number of vacancies to be filled up on the result of each examination, there shall be reservation as the Government may from time to time prescribe.

(4) On the basis of the result of the Competitive examination, the Commission shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their relative merit which shall determine in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be as according to the actual vacancies likely to occur during the recruitment year plus 10 (ten) percent of the actual vacancies of 2 (two) names whichever is more. The list shall be forwarded to the Appointing Authority.

(5) The inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that appointment to any post in the service is subject to availability of vacancy.

13. Conditions of eligibility for appearing at the Competitive Examination:- In order to be eligible to compete at the Examination for direct recruitment, a candidate must satisfy the following conditions, namely;

- (1) Nationality – He/She must be a citizen of India.
- (2) Age – He/She must have attained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the post is made.

Provided that in the case of candidate belonging to Schedule Caste and Schedule Tribe, the upper age limit will be subject to relaxation made by the Government from time to time.

- (3) Educational Qualification – As laid down in Schedule II.

14. Disqualification for appointment to the Service:-

(1). Subject to the provisions of the people with Disabilities Act 1995, No person shall be appointed who, after such medical examination as the Government may prescribed, is not found to be in good mental or bodily health and free from any physical defect or infirmity which may render him unfit in the discharge of his duties.

(2). No person shall be appointed to the service who had been convicted for any offence involving moral turpitude.

(3). No person who has more than one spouse living shall be eligible for appointment to the Service;

Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(4). No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by any means, shall be appointed to the Service.

15. Appointment to the Service:-

1. Appointment to any post in the Service under rule 7 shall be made by the Appointing Authority and in respect of Gazetted post shall also be published in the Meghalaya Gazette.

2. (I) Subject to the provision of sub-rule (3) and (5) of Rule 12, appointment shall be made from time to time in the order in which the names of candidates appear in the Merit List prepared under sub-rule (4) of Rule 12.

(II) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which and unless the Appointing Authority extend the period of joining which shall not in any case exceed three months, the appointment shall be cancelled.

3. Appointment under sub-rule (1) of Rule 7 shall be made in the order in which the names of candidates appear in the select list approved by the Commission under sub-rule (4) of Rule 10.

16. Probation:- Every person appointed to the Service under sub-rule (2) and sub-rule (3) of rule 7 shall be on probation for a period of 2 (two) years.

Provided that the period of probation may be extended by the Appointing Authority in any individual case by a period not exceeding 2 (two) years on justifiable and reasonable grounds.

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity, may having regard to his performance be counted towards the period of probation.

Provided further where the performances of duty by a person placed on probation is not satisfactory or where the probationer is otherwise considered by the Appointing Authority to be unsuitable or unfit to hold the post he may, at any time during the period of probation or immediately at the end of it, be reverted to next lower post/grade and/or dispensed with his service as a Probationer.

17. Discharge or Reversion:- (1) Where the Appointing Authority finds that the performance of duty by any member of the Service, appointed by promotion, is unsatisfactory or where he is found unfit to hold the post at any time during the period of probation, such member shall be liable to be reverted to his next lower post or grade.

(2). A member of the Service appointed by direct recruitment shall be liable to be discharged if:-

- (a) He/She fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfactory performance during the period of probation: or
- (b) He/She fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed:

18. Seniority:-

(1) The interse seniority of the members of the Service in any cadre appointed on or after 21st January, 1972 but before the commencement of these rules, shall be in order in which their names appeared in the respective lists prepared by the Commission or the Select List approved by the Commission. Such members shall be junior to all members mentioned in sub-rule (1) and (2) above in the respective cadres.

(2) The interse seniority of the members of the Service appointed to different cadres after the commencement of these rules shall be in the order in which their names appear in the Merit List prepared under sub-rule (4) of Rule 12 in the Select List approved under sub-rule (4) of Rule 10.

Provided that in any cadre, a member of the Service appointed by Promotion/Selection shall be senior to a member appointed by direct recruitment, where such appointment falls in the same year.

(3) If confirmation of any member of the Service is delayed on account of his failure to qualify for such confirmation, he shall lose his seniority vis-à-vis such of his juniors in his cadre as may be confirmed earlier than him. His original position shall, however, be restored on his confirmation subsequently.

19. Confirmation:- (1) Confirmation of a member of the service in the cadre appointed by promotion shall be made according to his seniority in that cadre subject to the following conditions, namely:

- a) that he has served not less than one year in the post where he is to be confirmed.
- b) that the performance of the employee is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records).
- c) that there is no departmental proceedings/vigilance enquiry against him, and,
- d) Subject to availability of vacancy and that no officer holds a lien on it.

(2) Confirmation of a probationer shall be made according to his seniority in that cadre subject to the following conditions:-

- (a) that he has completed the period of probation to the satisfaction of the Appointing Authority.
- (b) that he is considered otherwise fit by the Appointing Authority, and
- (c) subject to availability of vacancy.

Provided that where a person is not given opportunity to undergo the prescribed training under the period of probation his/her confirmation shall not be held up for reasons of not successfully undergoing the said training but such person shall when called upon by the Appointing Authority and opportunity given successfully undergo the said training.

20. Gradation List:- There shall be prepared and published annually an up-to-date gradation list as on 1st January consisting of the names of all members of the Service cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be indicated against each name.

21. Increment:- (1) The first increment admissible to a member of the service shall accrue on completion of one year from the date of his joining the post but subsequent increment shall be allowed only on his completion of the period of probation successfully.

(2) Such persons referred to in sub-rule (2) of rule 3 shall be allowed to draw increment becoming due within the period of two years from the date of commencement of these Rules but further increments shall be allowed on successful completion of the training courses prescribed.

(3) The pay of the member of the service on his completion of the period of probation on passing the Departmental Examination or training prescribed shall be fixed at such a stage if he has been allowed is usual annual increments due but he shall not be entitled to any arrear in pay on account of withholding due increments for the period prior to the date of his completion of the period of probation or passing the Departmental Examination or the prescribed training.

(4) On promotion from one cadre to another in the Service, the pay shall be fixed in accordance with the principle governing such fixation in the Fundamental Rules and Subsidiary Rules or any other Rules for the time being in force.

22. Power of the Governor to dispense with or relax any rule:- The Governor, if satisfied that the operation of any of the provision of these rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing

the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such extent and subject to such condition, as it may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

23. Interpretation:- If any question arises relating to the interpretation of these Rules, the decision of the Government in the Education Department with the approval of the Personnel and A.R. Department shall be final.

24. Repeal and Savings:- All rules, orders, or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed.

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE – I**Composition, scale of pay and strength of the Service.**

Name of Posts	Time scale of pay	Total Strength	Temporary	Permanent	Remarks
1	2	3	4	5	6
Selection Grade I Post					
1. Director	31,300-940-37880-1110-46760	1	1	-	-
Selection Grade II Post					
1. Joint Director	26700-800-33100-1000-42100	1	1	-	-
Senior Grade I Posts					
1. Deputy Director	23300-700-27500-830-32480-970-39270	2	2	-	-
2. Principal, DIET	-do-	7	7	-	-
Senior Grade II Posts					
1. Selection Grade Lecturer	20700-620-24420-730-29530-890-36650	Placement	Placement		
Junior Grade I Posts					
1. Principal, NTS	18300-500-21800-EB-650-27000-810-35100	2	2	-	
2. Senior Lecturer	18300-500-21800-EB-650-27000-810-35100	Placement	Placement		
Junior Grade II Posts					
1. Principal, BTC	17000-470-20290-EB-560-25330-760-33690	4	4	-	
2. Lecturers DIETs	17000-470-20290-EB-560-25330-760-33690	109	78	31	
Junior Grade III Posts					
1. Instructors of NTS/BTCs	14100-350-16550-EB-460-20690-620-27510	40	40	-	

SCHEDULE – II
(Rule 7)

Sl. No.	Name of the Posts	Method of recruitment with % of vacancies. To be filled up by Different methods	Promotion		Remarks
			Persons eligible for consideration for promotion etc required	Experience and qualification required	
1.	Director	Promotion	Joint Director	5 Yrs service as Joint Director	(a).If no suitable person is available, experience is relaxed to 8 yrs of combined service at Joint Director and Dy. Director level. (b). If no eligible officer is available even under (a) above, the post maybe filled up from IAS/MCS
2.	Joint Director	Promotion	1. Dy. Director 2. Principal, DIET	3 yrs service at their own grade	If no suitable person is available, experience qualification is relaxed to 6 yrs of combined service at the level of Dy. Director/ Principal DIET and Selection Grade Lecturer.
3.	Dy. Director/ Principal, DIET	Promotion	Selection Grade Lecturers	3 Yrs service	Selection Grade Lecturers having M. Ed. Or Master Degree with B. Ed./ B. El. Ed., only are eligible to be promoted to the post of Principal, DIETs.
4.	Selection Gr. Lecturer	Placement	Sr. Lecturer	8 Yrs service	Combined service of 16 yrs is eligible for placement. i.e Lecturer + Sr. Lecturer.
5.	Principal NTS	-	Principals of BTCs/ Senior Lecturers	8 years of service	
6.	Sr. Lecturer	Placement	Lecturer	8 Yrs service	This is an enhancement of pay scales
7.	Principal BTC	-	Senior most Instructor of NTS/ BTC	8 years of service	Must possess a Master Degree from a recognized University
8.	Lecturer DERT/DIET	75% Direct recruitment 25% Promotion from BTCs/NTSs Instructors.	-	Qualification as per NCTE norms.	25% Promotion is reserved for existing Instructors in BTC/NTS having requisite qualification as per NCTE norms.
9.	Instructors NTS/BTCs	100% Direct recruitment		Qualification as per State norms.	

P. S. THANGKHEW,

Principal Secretary to the Govt. of Meghalaya,
Education Department.

The 18th June, 2012.

No.EDN.36/2010/148. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules for regulating the recruitment and conditions of service of persons appointed to the Meghalaya School Education Service.

THE MEGHALAYA SCHOOL EDUCATION SERVICE RULES, 2012.

1. Short title and commencement:

- (a) These Rules may be called the Meghalaya School Education Service Rules, 2012.
- (b) They shall come into force from the date of their notification in the official Gazette.

2. Definitions:

- (a) **'Appointing Authority'** means the Governor of Meghalaya;
- (b) **'Commission'** means the Meghalaya Public Service Commission;
- (c) **'Committee'** means the Departmental Promotion Committee constituted under Rule 7;
- (d) **'Government'** means the Government of Meghalaya;
- (e) **'Governor'** means the Governor of Meghalaya;
- (f) **"Grade"** means a grade of the service;
- (g) **'Member of the Service'** means member of the Meghalaya School Education Service;
- (h) **"Rules"** means the Meghalaya School Education Service Rules;
- (i) **"Schedules"** means the Schedule appended to these Rules;
- (j) **"Select List"** means the list prepared by the Committee;
- (k) **"Service"** means the Meghalaya School Education Service, and
- (l) **'Year'** means a Calendar Year;

3. Constitution of the Service:

There shall be constituted a Service consisting of the following persons, namely;

- (a) persons appointed to different posts in the service on or after 21st January 1972 but before the commencement of these Rules.
- (b) persons appointed to different posts in the service in accordance with the provisions of these Rules.

4. Composition and Strength of the Service:

(1)

(a) The service shall consist of the following Grades, namely,

- i. Selection Grade : Director (Cadre post of IAS/MCS).
- ii. Senior Grade I : Additional Director.
- iii. Senior Grade II : Joint Director.
- iv. Senior Grade III : Deputy Director/ District School Education Officer.
- v. Junior Grade I : Additional District School Education Officer/ Special Officer (Sc)/ Principal (Higher Secondary Schools)
- vi. Junior Grade II : Sub-Divisional School Education Officer/ Headmaster/ Headmistress/ Special Officer

(b) Each of the categories of posts shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.

(2) The Strength and composition of the Service and the nature of posts therein shall be as determined by the Governor from time to time.

(3) At the commencement of these Rules, the strength and composition of the Service and the nature of the posts therein shall be as shown in Schedule I and Schedule II.

5. Status: The status of the service shall be Gazetted.

6. Method of recruitment:

(1) Appointment to any post in Senior Grade I of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Senior Grade II as specified in the Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) of service in Senior Grade I are not available for filling up the vacancy or vacancies in Senior Grade-I, appointment may also be made by promotion from amongst the Officer(s) of Senior Grade II who have rendered not less than 5/7 years of service in Senior Grade II and Grade III combined together.

(2) Appointment to any post(s) in the Senior Grade II of the Service shall be made by Promotion from amongst the members of the Service holding the next lower post(s) in the grade and those

belonging to Senior Grade III as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) years of service in Senior Grade III are not available for filling up the vacancy or vacancies in the Senior Grade II, appointment may also be made from amongst the Officer(s) of Senior Grade III who have rendered not less than 5 (five) years of combined service in Grade III and Junior Grade I combined together.

Provided further where sufficient number of Officers as specified in the Proviso above are not available, the Officers having the combined service of 20 (twenty) years at the Junior Grade-I having the Post Graduate qualification of recognised University/Institutes, may also be considered for the purpose of appointment/promotion to Senior Grade-II.

- (3) Appointment to any post(s) in Senior Grade III of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade I as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than three years of service in Junior Grade I are not available for filling up the vacancy or vacancies in the Senior Grade III, the appointment may also be made from amongst the Junior Grade I who have rendered not less than 5(five) years of combined service in Junior Grade I and Junior Grade II.

- (4) Appointment to the post(s) Junior Grade I of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade II as specified in Schedule and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) years of service in Junior Grade II are not available for filling up the vacancy or vacancies in the Junior Grade I, the appointment may also be made from amongst the Junior Grade II who have rendered not less than 6/8 years of combined service in Junior Grade II and Vice-Principals of Higher Secondary Schools and/or Assistant Headmaster of Secondary Schools.

- (5) Appointment to Junior Grade II of the Service shall be made by the following methods:

- (i) By promotion from amongst the members of Grade I of the Meghalaya School Service. The proportion of vacancies to be filled up in any year shall be as prescribed by the Government.

7. Departmental Promotion Committee:

(1) For the purpose of appointment by promotion under sub-rules (1) to (5) of rule 6 there shall be a Departmental Promotion Committee consisting of the following members:

- | | |
|--|-------------------|
| (1) Chief Secretary | -Chairman. |
| (2) Principal Secretary/ Commissioner & Secretary, Finance | -Member. |
| (3) Principal Secretary/ Commissioner & Secretary, Personnel | -Member. |
| (4) Director, School Education & Literacy | -Member. |
| (5) Director, Higher & Technical Education | -Member. |
| (6) Principal Secretary/ Secretary, Education | -Member Secretary |

(2) The Committee may invite any other persons to attend its meeting if and when considered necessary.

8. Procedure for preparing the Select List:

(a) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each cadre of the Service during the year. To enable the Committee to prepare the lists for promotion to those grade, the Appointing Authority shall furnish the Committee with the following documents, namely:

- i. A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (a),

Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.

- ii. The Character Rolls and Service Records of such members.
- iii. Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.

(b) The Committee after examining the Character Roll, Service Records and other documents in respect of all such person, shall prepare a list based on seniority with due regards to individual merit and suitability. The number of persons to be included in the Select List shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.

- (c) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.
- (d) For the purpose of appointment by promotion under rule 6, the Appointing Authority shall consider and approve the list prepared by the Committee along with the Character Roll and Service Records and other documents in respect of each person in the list unless it considers that any change is necessary. If the Appointing Authority considers that it is necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as may in its opinion to be just and proper.
- (e) The list approved under rule (d) above shall form the Select List for the purpose of appointment by promotion under Rule 6.

9. Validity of the Select List:

- (a) The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority with the approval of the Commission;
Provided that such an extension shall not be for a total period exceeding six months;
Provided further, that in the event of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if it thinks fit, remove the name of such persons from the Select List in consultation with the Commission. The reasons for doing so shall be recorded in writing.
- (b) The Committee shall meet once a year to review the Select List.

10. Disqualification for appointment to the Service:

- i. No person who, after such medical examination as the Government may prescribe is not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him unfit in the discharge of his duties shall be appointed to the service.
- ii. No person who has been convicted for any offence involving moral turpitude shall be appointed to the service.
- iii. No person who has more than one spouse living shall be eligible for appointment to the service;

Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule (iii).

- iv. No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by other means, shall be appointed to a post in the Service.

11. Appointment to posts in the Service:

- i. Appointment to any post in the Service under Rule 6 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.
- ii. Appointment under Sub-Rules (1), (2), (3), (4), (5) & (6) of the Rule 6 shall be made in the order the names of candidates appear in the Select List approved under sub-rule (d) of Rule 8.

12. Probation:

Every person appointed under Rule 6 shall be on probation for a period of 2 (two) years;

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding two years;

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity may, having regard to his performance, be counted towards the period of probation.

13. Departmental Examination and Training:

- (a) Such persons referred to in sub-rule (b) of rule 3 and who have not passed the Departmental Examination conducted by the Commission and or have not undergone the training prescribed from time to time shall within a period of two years from the date of commencement of these rules shall complete successfully such prescribed training.
- (b) Every person appointed to posts in the Service after commencement of these Rules shall during the period of probation, shall complete successfully such training as may be prescribed by the Appointing Authority.

14. Discharge or reversion of a probationer:

A probationer shall be liable to be discharged from the post he/she holds in the service or reverted to the permanent post in which he holds a lien had he/she not been suspended under the rules applicable to him prior to his appointment to the post as the case may be, if:

- (a) He/she fails to make sufficient use of the opportunities given during the training or fails to give satisfactory performance during the period of probation, or

- (b) He/she fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed, or
- (c) On any information received relating to his/her nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

15. Seniority:

- (a) The seniority in any group, of persons brought from the Central Government or from other State Governments on deputation and subsequently absorbed permanently under the Government of Meghalaya before or after the commencement of these Rules shall be determined with effect from the date such persons started serving continuously in that group as deputationist and will rank junior to the junior most person in position in that particular group at that particular time.
- (b) The interse seniority of the members of the Service appointed to different cadres shall be determined in the order in which their names appeared in the Select List approved under sub-rule (d) of Rule 8;
- (c) If confirmation of any member of the Service is delayed on account of his/her failure to qualify for such confirmation, he shall lose his position in order of seniority in that cadre vis-à-vis such of his juniors who may be confirmed earlier than him/her. His original position in that particular cadre shall, however, be restored on his/her confirmation subsequently.

16. Confirmation:

- (a) Confirmation of member of the Service appointed by promotion to Senior Grade I, Senior Grade II, Senior Grade III, Junior Grade I and Junior Grade II shall be made in the respective cadre according to his/her seniority in that cadre subject to the following conditions, namely:-
 - i. that he/she has served not less than one year in the post in which he/she is to be confirmed or in a similar post with identical pay scale.
 - ii. that his/her performance is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records).
 - iii. that there is no departmental proceeding or vigilance enquiry against him/her.
 - iv. that the vacancy is available and no Officer holds a lien on it.
- (b) Confirmation of a probationer in a service shall be made according to his/her seniority in the service subject to the following conditions, namely:-
 - i. that he/she has completed the period of probation to the satisfaction of the Appointing Authority.
 - ii. that he/she has successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.

iii. that vacancy is available and no Officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of not successfully undergoing the said training but such persons shall, when called upon by the Appointing Authority and opportunity given, successfully undergo that said training, failing which he shall be liable to be removed from service unless the Appointing Authority allows him other chances.

Provided further, that the Appointing Authority may, for good and sufficient reasons, exempt a member of the service from passing any one or more of the prescribed Departmental Examination and Training and confirm him in the respective cadre of the Service.

17. Gradation List:

There shall be prepared and published annually an up-to-date gradation list as on 1st January consisting of the names of all members of the service cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be indicated against each name.

18. Time Scale of Pay:

(1) Time Scale of pay admissible to the members of the service shall be as shown in Schedule I subject to revision by Government from time to time.

19. Increment:

- (a) The first increment admissible to a probationer shall accrue on the expiry of one year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the training courses as may be prescribed.
- (b) Such persons referred to in sub-rules (a), (b) and (c) of Rule 16 who have not passed the Departmental Examination or have not undergone the prescribed training shall be allowed to draw increment becoming due within a period of two years from the date of commencement of these Rules but further increments shall be allowed only on their passing of the Departmental Examination completely and on successful completion of the training course.
- (c) The pay of a member of the Service on his passing the Departmental Examination and/ or the prescribed training course shall be fixed at such a stage as if they had been allowed his usual annual increments due but he shall not be entitled to any arrear in pay on account of withholding of due increment during the period prior to the date of passing the Departmental Examination and/ or the prescribed training course.

- (d) The increment admissible to a member of the Service promoted from one post to another shall accrue as admissible under the relevant Rules.

20. Leave, pension etc. and other conditions of service:

Except as provided under these rules, all matters generally relating to leave, pension, discipline and other conditions of service shall be regulated by rules and orders made by the Government from time to time and applicable to other State Government from time to time and applicable to other State Government servants holding corresponding status.

21. Power of the Governor to dispense with or relax any Rule:

The Governor, if satisfied that the operation of any of the provisions of these Rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such extent and subject to such condition as he may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

22. Interpretation:

If any question arises relating to the interpretation of these rules the decision of the Government in the Education Department with the approval of the Personnel & AR Department shall be final.

23. Repeal and saving:

All rules, orders, or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE - I
[Rule 4(3)]

1. Selection Grade	...	...	1.
2. Senior Grade I	...	...	1.
3. Senior Grade II	...	...	2.
4. Senior Grade III	...	...	8.
5. Junior Grade I	...	...	25.
6. Junior Grade II	...	...	43.

80.

7. Deputation Reserve at 20 percent:	16.
8. Leave Reserve at 10 percent:	8.
9. Training Reserve at 10 percent:	8.

Total authorised strength: 112.

SCHEDULE II-

[Rule 4(3)]

Sl. No.	Service/Post	Time scale of pay
1	<u>Selection Grade</u> Director:	₹ 31300-940-37880-1110-46760/-
2	<u>Senior Grade - I</u> Additional Director:	₹ 28700-860-35580-1050-43980/-
3	<u>Senior Grade - II</u> Joint Director:	₹ 26700-800-33100-1000-42100/-
4	<u>Senior Grade III</u> Deputy Director: District School Education Officer:	₹ 23300-700-27500-830-32480-970-39270/-
5	<u>Junior Grade - I</u> Addl. District School Education Officer: Special Officer (Sc. Education) / Principal (HSS): (other than Principal, Pine Mount School)	₹ 18300-500-21800-EB-650-27000-810-35100/-
6	<u>Junior Grade - II</u> Sub-Divisional School Education Officer/ Headmaster/ Headmistress of Secondary School/ Special Officer	₹ 17000-470-20290-EB-560-25330-760-33690/-

P. S. THANGKHIEW,Principal Secretary to the Govt. of Meghalaya,
Education Department.

The 18th June, 2012.

No.EDN.375/2000/155. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules for regulating the recruitment and conditions of Service of persons appointed to the Meghalaya Higher & Technical Education Service.

THE MEGHALAYA HIGHER & TECHNICAL EDUCATION SERVICE RULES

1. Short title and commencement:

- (a) These Rules may be called the Meghalaya Higher & Technical Education Service Rules, 2012.
- (b) They shall come into force from the date of this notification.

2. Definitions:

In these Rules unless there is anything repugnant in the subject or context,

- (a) '**Appointing Authority**' means the Governor of Meghalaya.
- (b) '**Commission**' means the Meghalaya Public Service Commission.
- (c) '**Committee**' means the Departmental Promotion Committee constituted under Rule 8.
- (d) '**Governor**' means the Governor of Meghalaya.
- (e) '**Government**' means the Government of Meghalaya.
- (f) '**Member of the Service**' means member of the Meghalaya Higher & Technical Education Service.
- (g) '**Rules**' means the Meghalaya Higher & Technical Education Service Rules, 2012.
- (h) '**Service**' means the Meghalaya higher & Technical Education Service.
- (i) '**State**' means the State of Meghalaya.
- (j) '**Year**' means a Calendar Year.

3. Constitution of the Service:

There shall be constituted a Service to be known as the Meghalaya Higher & Technical Education Service Rules consisting of the following persons namely;

- (a) persons appointed to different posts in the service on or after 21st January 1972 but before the commencement of these Rules,
- (b) persons appointed to different posts in the service in accordance with the provisions of these Rules.

4. Composition of the Services:

(1) The services shall consist of the following grades, namely,

- | | | | |
|-----|----------------|---|--------------------------|
| (a) | Senior Grade. | } | as shown on Schedule - I |
| (b) | Grade I Post | | |
| (c) | Grade II Post | | |
| (d) | Grade III Post | | |

(2) Each of the categories of posts in Clause (a), (b), (c) and (d) of sub-rule (1) above (listed in Schedule-I) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.

5. Status: The status of the service shall be Gazetted as well as Non-Gazetted as per their respective scale of pay as prescribed by Government.

6. Strength of the Service:

- (a) The strength and composition of the Service shall be such as may be determined by the Governor from time to time.
- (b) At the commencement of these Rules, the strength of the service and posts therein shall be as shown in Schedule-I.

7. Method of recruitment:

- (1) Appointment to any post in the Senior Grade of the Service shall be made by promotion from amongst the members of the Service holding the next lower posts in the grade and those belonging to Grade-I as specified in the Schedule-II and included in the select list approved under sub-rule (4) of Rule 9.
- (2) Appointment to any post in the Grade I shall be made by promotion from amongst the members of the Service holding the next lower posts in the grade and those belonging to Grade II as specified in Schedule-II and included in the Select list approved under sub-rule (4) of Rule 9.
- (3) Appointment to any post in Grade II shall be made by promotion from amongst the members of the Service belonging to Grade III as specified in Schedule II and included in the Select list approved under sub-rule (4) of Rule 9.
- (4) Appointment to any post in Grade III of the service shall be made by direct recruitment or promotion as indicated in Schedule II.

8. Departmental Promotion Committee:

(1) For the purpose of appointment by promotion under sub-rule (1) and (2) of rule 7 there shall be a Departmental Promotion Committee consisting of the following members:

- | | |
|--|------------|
| (a) Chief Secretary | -Chairman. |
| (b) Principal Secretary/ Commissioner & Secretary, Finance | -Member. |
| (c) Principal Secretary/ Commissioner & Secretary, Personnel | -Member. |
| (d) Director, School Education & Literacy | -Member. |
| (e) Director, Higher & Technical Education | -Member. |
| (f) Principal Secretary/ Secretary, Education Secretary. | -Member |

(2) For the purpose of appointment by promotion under sub-rule (3) of rule 7 there shall be a Departmental Promotion Committee consisting of the following members:

- | | |
|---|-------------|
| (a) Principal Secretary/ Commissioner & Secretary, Education | - Chairman. |
| (b) Principal Secretary/ Commissioner & Secretary, Personnel
or his representative | - Member. |
| (c) Principal Secretary/ Commissioner & Secretary, Finance
or his representative | - Member. |
| (d) Director, School Education & Literacy | - Member. |
| (e) Director, Higher & Technical Education Secretary. | -Member |

(3) The Committee may invite any other persons to attend its meeting if and when considered necessary.

9. Procedure for preparing the Select List:

(1) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies to prepare the lists for promotion to those grade the Appointing Authority shall furnish the Committee with the following documents, namely:-

- (a) A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (1):
Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.
- (b) The Character Rolls and Service Records of such members.

- (c) Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.
- (2) The Committee after examining the Character Roll, Service Records and other documents in respect of all such person shall prepare a list based on seniority with due regards to individual merit and suitability. The number of persons to be included in the Select List shall be according to the actual number of vacancies. The list shall be forwarded by the Committee to the Appointing Authority.
- (3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his/her seniors the Committee shall record in writing the reasons for doing so.
- (4) For the purpose of appointment by promotion under rule 7, the Appointing Authority shall consider and approve the list prepared by the Committee along with the Character Roll and Service Records and other documents in respect of each person in the list unless it considers that any change is necessary. If the Appointing Authority considers that it is necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as may in its opinion to be just and proper.
- (5) The list so approved under sub-rule (4) above shall form the select list for the purpose of appointment by promotion under Rule 7.

10. Validity of the Select List:

- (1) The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority with the approval of the Commission;
Provided that such an extension shall not be for a total period exceeding six months;
Provided further, that in the event of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if it thinks fit, remove the name of such persons from the Select List in consultation with the Commission. The reasons for doing so shall be recorded in writing.
- (2) The Committee shall meet once a year to review the Select List.

11. Direct recruitment:

- (1) Competitive Examination for direct recruitment under sub-rule (4) of rule 7 shall be held at such intervals as the Appointing Authority may decide, in consultation with the

Commission from time to time. The date on which and place at which the examination shall be held, shall be fixed by the Commission.

- (2) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may from time to time make in consultation with the Commission.
- (3) Out of the number of vacancies to be filled up on the result of each examination, there shall be reservation in favour of candidates belonging to Schedule Caste and Schedule Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.
- (4) On the basis of the results of the Competitive Examination, the Commission/Committee shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by such candidate and if two or more candidates obtain equal marks, the Commission/Committee shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be as according to the actual vacancies likely to occur during the recruitment year plus 10 (ten) percent of the actual vacancies or 2 (two) names whichever is more. The list shall be forwarded to the Appointing Authority.
- (5) The inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that appointment to any post in the service is subject to availability of vacancy.

12. Conditions of eligibility for appearing at the Competitive Examination:

In order to be eligible to compete at the Examination for direct recruitment, a candidate must satisfy the following conditions, namely:-

- i. Nationality – He/ She must be a citizen of India.
- ii. Age – He/ She must have obtained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the post is made;

Provided that in the case of candidate belonging to Schedule Caste and Schedule Tribe, the upper age limit will be subject to relaxation made by the Government from time to time.

- iii. Educational Qualifications – as laid down in Schedule II.

13. Disqualification for appointment to the Service:

- i. No person who, after such medical examination as the Government may prescribe is not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him unfit in the discharge of his duties shall be appointed to the service.
- ii. No person who has been convicted for any offence involving moral turpitude shall be appointed to the service.
- iii. No person who has more than one spouse living shall be eligible for appointment to the service:

Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule (iii).

- iv. No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by other means, shall be appointed to the post in the Service.

14. Appointment to posts in the Service:

- i. Appointment to any post in the Service under Rule 7 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.
- ii. Subject to the provisions of sub-rule (3) and (5) of Rule 11, appointment by direct recruitment under Rule 7 shall be made from time to time in order in which the names of candidates appear in the Merit List prepared under sub-rule (4) of Rule 11.
- iii. A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which and unless the Appointing Authority extend the period of joining which shall not in any case exceed three months, the appointment shall be cancelled.
- iv. Appointment of candidates under Sub-Rule (1) (2) and (3) of Rule 7 shall be made in the order of their names as they appeared in the Select List approved under sub-rule (1) of Rule 10.

15. Probation:

Every person appointed through direct recruitment under Rule 7(4) shall be on probation for a period of 2 (two) years:

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding 2 (two) years:

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity may, having regard to his performance, be counted towards the period of probation.

16. Departmental Examination and Training:

- (a) Such persons referred to sub-rule (a) of rule 3 who have not passed all the papers of the Departmental Examination prescribed for all service prior to allocation to the State of Meghalaya shall, within a period of two years from the date of commencement of these rules appear at and pass the Department Examination conducted by the Commission in the subject(s) in which he has not passed and shall also be required to successfully undergo, if he has already not done so, such training as the Appointing Authority may prescribe.
- (b) Such persons referred to in sub-rule (b) of rule 3 and who have not passed the Departmental Examinations conducted by the Commission and or have not undergone the training prescribed from time to time within a period of 2 (two) years from the date of commencement of these rules shall complete successfully such prescribed training.
- (c) Every person appointed to posts in the Service after commencement of these Rules shall during the period of probation, shall complete successfully such training as may be prescribed by the Appointing Authority.

17. Discharge or reversion of a probationer:

A probationer shall be liable to be discharged from the post he/ she holds in the service or reverted to the permanent post in which he holds a lien had he/she not been suspended under the rules applicable to him/ her prior to his/ her appointment to the post as the case may be, if:

- (a) He/ she fails to make sufficient use of the opportunities given during the training or fails to give satisfactory performance during the period of probation, or
- (b) He/ she fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed, or

- (c) On any information received relating to his/ her nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

18. Seniority:

- (a) The inter-se seniority of the members of the Service in any cadre appointed on or after 21st January, 1972 but before the commencement of these Rules, shall be in the order in which their names appeared in the merit list prepared by the Commission or the Select Lists approved by the Appointing Authority or the Commission as the case may be. Such members shall be junior to all members mentioned in sub-rules (a) and (b) above in the respective cadre.
- (b) The seniority in any group, of persons brought from the Central Government or from other State Governments on deputation and subsequently absorbed permanently under the Government of Meghalaya before or after the commencement of these Rules shall be determined with effect from the date such persons started serving continuously in that group as deputationist and will rank junior to the junior most person in position in that particular group at that particular time.
- (c) The inter-se seniority of the members of the Service appointed to different cadres shall be determined in the order in which their names appeared in the Select List approved under sub-rule (4) of Rule 9 or in the Merit List prepared under sub-rule (4) of Rule 11;
Provided that in any cadre a member appointed by promotion shall be senior to a member appointed by direct recruitment, where such appointment falls in the same year.
- (d) If confirmation of any member of the Service is delayed on account of his/her failure to qualify for such confirmation, he shall lose his position in order to seniority in that cadre vis-à-vis such of his juniors who may be confirmed earlier than him/her. His original position in that particular cadre shall, however, be restored on his/her confirmation subsequently.

19. Confirmation:

- (1) Confirmation of member of the Service appointed by promotion to Senior Grade, Grade I, Grade II and Grade III shall be made in the respective cadre according to his/her seniority in that cadre subject to the following conditions, namely:-

- (a) that he/she has served not less than one year in the post in which he/she is to be confirmed.
 - (b) that his/her performance is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records).
 - (c) that there is no departmental proceeding or vigilance enquiry against him/her.
 - (d) that the vacancy is available and no Officer holds a lien on it.
- (2) Confirmation of a probationer in a service shall be made according to his/her seniority in the service subject to the following conditions, namely:-
- (a) that he/she has completed the period of probation to the satisfaction of the Appointing Authority.
 - (b) that he/she has successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.
 - (c) that vacancy is available and no Officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of not successfully undergoing the said training but such persons shall, when called upon by the Appointing Authority and opportunity given, successfully undergo that said training, failing which he shall be liable to be removed from service unless the Appointing Authority allows him other chances.

Provided further, that the Appointing Authority may, for good and sufficient reasons, exempt a member of the service from passing any one or more of the prescribed Departmental Examination and Training and confirm him in the respective cadre of the Service.

20. Gradation List:

There shall be prepared and published annually an up-to-date Gradation List as on 1st January of every year consisting of the names of all members of the Service cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the Service and such other details relevant to the service career shall be indicated against each name.

21. Increment:

- (a) The first increment admissible to a probationer shall accrue on the expiry of 1 (one) year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the training courses as may be prescribed.
- (b) Such person referred to in sub-rules (a), (b) and (c) of Rule 16 who have not passed the Departmental Examination or have not undergone the prescribed training shall be allowed to draw increment becoming due within a period of 2 (two) years from the date of commencement of these Rules but further increment shall be allowed only on their passing of the Departmental Examination completely and successful completion of the training course.
- (c) The pay of a member of the Service on his passing the Departmental Examination and/or the prescribed training course shall be fixed at such a stage as if he had been allowed his usual annual increments due but he shall not be entitled to any arrear of pay on account of withholding of due increment during the period prior to the date of passing the Departmental Examination and/or the prescribed training course.
- (d) The increment admissible to a member of the service promoted from one grade to another shall accrue on the expiry of each year as admissible under the rules.

22. Time Scale of Pay: The Time Scale pay admissible to the members of the Service shall be as shown in column 3 of Schedule I annexed to these rules and subject to revision by Government from time to time.

23. Fixation of pay:

- (1) Except otherwise admissible under Fundamental Rules and Subsidiary rules or under special orders of the Government the pay of any person of the service shall be fixed at the minimum of that time scale on first appointment in the service.
- (2) On promotion to senior grade post in the service the pay shall be fixed in accordance with the principle covering fixation in the Fundamental Rules and Subsidiary Rules or any rules from the time being in force.

24. Power of the Governor to dispense with or relax any Rule:

The Governor, if satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as

specified by these Rules for promotion to such post(s), may dispense with or relax the requirement of any of these Rules to such extent and subject to such condition as he may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

25. Interpretation:

If any question arises relating to the interpretation of these rules the decision of the Government in the Education Department with the approval of the Personnel & AR Department, shall be final.

26. Repeal and savings:

All rules, orders, or notifications corresponding to an in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these Rules.

DIRECTORATE OF HIGHER & TECHNICAL EDUCATION**Schedule –I**

Name of posts	Time scale of pay	Total strength	Temporary	Permanent
Senior Grade Posts				
1. Additional Director	28700-860-35580-1050-43980	1	1	
2. Joint Director	26700-800-33100-1000-42100	2	1	1
3. Principal, Polytechnic	26700-800-33100-1000-42100			
Grade I Posts				
1. Deputy Director	23300-700-27500-830-32480-970-39270	2	2	
2. Principal, College	23300-700-27500-830-32480-970-39270	3	3	
Grade II Posts				
3. Vice-Principal, College	20700-620-24420-730-29530-890-36650	2	2	
4. Head of Department in Engg./ Technical Branches	20700-620-24420-730-29530-890-36650	3	-	3
Grade III Posts				
1. Lecturers	17000-470-20290-EB-560-25330-760-33690			
(a) Colleges		158	47	111
(b) Polytechnic		10	-	10
2. Workshop Superintendent	17000-470-20290-EB-560-25330-760-33690	1	-	1
3. TCPO, Polytechnic	17000-470-20290-EB-560-25330-760-33690	1		1
4. Senior Instructor in Engineering Subjects	14100-350-16550-EB-460-20690-620-27510	8	2	6
5. Demonstrator in Physics/ Chemistry	14100-350-16550-EB-460-20690-620-27510	2	-	2
6. Audio/ Visual Technician	14100-350-16550-EB-460-20690-620-27510	1	-	1
7. Foreman	14100-350-16550-EB-460-20690-620-27510	2	-	2
8. Workshop Instructors	9200-230-10810-EB-300-13510-410-18020	12	1	11

DIRECTORATE OF HIGHER & TECHNICAL EDUCATION**Schedule –II** (see rule 7)

Sl. No.	Name of posts	Method of recruitment with % of vacancies to be filled up by different methods	Persons eligible for consideration for promotion	Experience and Qualification required	Remarks
1.	Director	Cadre Post			
2.	Additional Director	Promotion	Joint Director	3 years service	If no suitable person as Joint Director is available, experience is relaxed to 5 years of combined service at Joint Director and Dy. Director level
3.	Joint Director	Promotion	(1) Dy. Director (2) Principal, College	3 years service at their own grade	If no suitable person is available, experience is relaxed to 5 years of combined service at the level of Dy. Director and Vice-Principal or 18 years combined service at the level of Principal / Vice Principal / Selection Grade Lecturer
4.	Principal, Polytechnic	Promotion	Heads of Departments, Polytechnics	3 years service at their own grade	If no suitable person is available, experience is relaxed to 20 years of combined service of HOD plus Lecturer.
5.	Principal of Colleges including B.Ed. College	Promotion	(1) Vice-Principal (2) Selection Grade Lecturer	3 years service at their own grade	If no suitable person is available, experience is relaxed to 15 years of combined service at the level of Vice Principal / Selection Grade / Senior Grade Lecturer.
6.	Dy. Director	Promotion	(1) Vice Principal College	3 years service at their own grade	If no suitable person is available, experience is relaxed to 8 years of combined service at the level of Vice-Principal and Senior Grade Lecturers
7.	Head of Department in Engg./ Technical Branches	Promotion	Lecturer in appropriate Engineering/ Technical Subject TCPO Polytechnic	5 years service in their own grade 8 years of continuous service in their own grade and with B.E. / B.Tech.in appropriate subject	

8.	Vice- Principal, College	Promotion	Lecturers of colleges, B. Ed. College, Government Polytechnics (non- technical subjects)	3 years service in their own grade	
9.	Lecturer, College and B.Ed. College	Direct recruitment 100%		Post Graduate Degrees (minimum qualification)	As per Govt. prescribed rules.
10.	Lecturer, Polytechnic	Direct Recruitment 75% Promotion 25%		B.E./B.Tech. (minimum qualification) Senior Instructor in appropriate Engg./ Technical subject	10 years of satisfactory service in his own grade

Sl. No.	Name of posts	Method of recruitment with % of vacancies to be filled up by different methods	Persons eligible for consideration for promotion etc. required	Experience and Qualification required	Remarks
11.	TCPO Polytechnics	Direct Recruitment 100%		Diploma in any branch of Engineering	
12.	Workshop Superintendent	Promotion	Foreman in Engineering Subjects	5 years of experience in his own grade	
13.	Senior Instructor in Engineering subjects	Direct Recruitment		At least 2 nd Class Diploma in the respective branch of Engg. from recognized Polytechnic/Institution conducting Diploma courses. Preference will be given to candidate having practical experience in any Engg./ Technical Institute, Workshop or Industry	
14.	Demonstrator in Physics/ Chemistry	Direct Recruitment 100%		At least 2 nd Class Science Degree with honours in Physics/Chemistry for Physics/Chemistry Laboratory respectively. Candidates without honours but having at least 5 years of teaching/ laboratory experience at degree level may be considered	

15.	Audio/ Visual Technician	Direct Recruitment 100%		At least B. Sc. Passed. Preference will be given to the candidate having three years experience in operation & maintenance of audio-visual equipments	
16.	Foreman	Direct Recruitment	Workshop Instructor	Pass SSLC and pass in Trade test conducted by recognized ITI 10 years of continuous and satisfactory shop floor experience in Industry or in Technical Institution	
17.	Workshop Instructors	Direct Recruitment 100%		At least SSLC passed and pass in the Trade List in the respective trade conducted by recognized ITI/ Technical institutes affiliated to DGCT, New Delhi. Preference will be given to the candidate with some practical/ industrial experience in any technical institute/industry or enterprise	

P. S. THANGKHIEW,
Principal Secretary to the Govt. of Meghalaya,
Education Department.

The 18th June, 2012.

No.EDN.36/2010/149. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules for regulating the recruitment and conditions of service of persons appointed to the Meghalaya School Service.

THE MEGHALAYA SCHOOL SERVICE RULES, 2012

1. Short title and commencement:

- (a) These Rules may be called the Meghalaya School Service Rules, 2012.
- (b) They shall come into force from the date of their notification in the official Gazette.

2. Definitions:

In these Rules unless there is anything repugnant in the subject or context,

- (a) '**Commission**' means the Meghalaya Public Service Commission;
- (b) '**Committee**' means the Departmental Promotion Committee constituted under Rule 7;
- (c) '**Government**' means the Government of Meghalaya;
- (d) '**Governor**' means the Governor of Meghalaya;
- (e) '**Grade**' means a grade of the service;
- (f) '**Member of the Service**' means member of the Meghalaya School Service;
- (g) '**Rules**' means the Meghalaya School Service Rules;
- (h) '**Schedules**' means the Schedule appended to these Rules;
- (i) '**Select List**' means the list prepared by the Committee;
- (j) '**Service**' means the Meghalaya School Service,
- (k) '**Year**' means a Calendar Year;

3. Constitution of the Service:

There shall be constituted a Service consisting of the following persons, namely;

- (a) persons appointed to different posts in the service on or after 21st January 1972 but before the commencement of these Rules.
- (b) persons appointed to different posts in the service in accordance with the provisions of these Rules.

4. Composition and Strength of the Service:

- (1) (a) The Service shall comprise of Senior School Service and Junior School Service and consist of the following grades, namely:

Senior School Service:

- i. Grade I : Vice-Principal (HSS),
Assistant Headmaster/Headmistress,
Assistant Lecturer (HSS)
Assistant D. I. of Schools (to be re-designated as
Additional SDSEO), and
Assistant DAEO/Assistant DSEO.
- ii. Grade II : Sub-Inspector of Schools,
Assistant Teacher (SS) (Graduate with B. Ed),
District Science Supervisor,
Technical Assistant Science Education,
Drill/Drawing Teacher (Graduate),
SEO/LSEO (Graduate),
Assistant Teacher (Graduate with B. Ed/without B. Ed)
teaching in both UPS and SS of amalgamated schools,
and
Head Teacher of UPS (Graduate).

Junior School Service:

- iii. Grade I : Head Teacher of UPS/Sr. Basic Schools (Under
graduate/PUC),
Assistant Teachers UPS/Sr. Basic Schools (Graduate),
Drill-cum-Drawing Master in UPS/Sr. Basic Schools, and
Hindi Teacher, UPS/Sr. Basic Schools (Graduate).
- iv. Grade II : Assistant Teacher, UPS/Sr. Basic Schools (Under
Graduate /
PUC)
SEO/LSEO (P.U. Passed),
Hindi Teacher, UPS/Sr. Basic Schools (PUC),
Craft Teacher (PUC),
Craft Instructor (Matriculate with Diploma Certificate in
Craft from recognised Technical Institution/National
Trade Certificate, and
Drill/Drawing Teacher (PUC)
- v. Grade III : Head Teacher, LPS/Jr. Basic Schools,
Assistant Teacher, (Matriculate/HSLC Passed)

Craft Teacher (Matriculate/HSLC Passed)
Craft Instructor (Non-Matriculate with Diploma
Certificate in Craft from recognised Technical
Institution), and
SEO/LSEO (Matriculate/HSLC passed).

(b) Each of the categories of posts shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions in these Rules.

(2) (a) The Strength and composition of the Service and the nature/categories of posts shall be as determined by the Government from time to time.

(b) At the commencement of these Rules, the composition of the Service and the nature/categories of posts therein shall be as shown in Schedule I and Schedule II.

5. **Status:** The status of the service shall be Non-Gazetted.

6. **Method of recruitment:**

(1) Appointment to any post in Grade I of the Senior School Service shall be made by promotion from amongst the members of the Service holding the next lower posts in the grade, except for those posts indicated in proviso to para 6(2) below; and those belonging to Grade II as specified in the Schedule-I and Schedule-II and in the select list approved under sub-rules (d) and (e) of Rule 8.

(2) Appointment to the post of Assistant Lecturer (HSS) in Senior School Service, Grade I shall to the extent of 25 percent of vacancies shall be made by promotion from amongst the Assistant Teachers of HSS/SS having the requisite qualification of Post Graduate Degree (in the required streams/subjects) with 5 (five) years of continuous and satisfactory service, as such.

Provided that 75 percent of the posts of Assistant Lecturers (HSS) shall be filled up by direct recruitment based on the recommendations of the Meghalaya Public Service Commission.

(3) Appointment to the posts of Sub-Inspector of Schools and Social Education Organiser and District Science Supervisor shall be filled up by encadrement on transfer of the Assistant Teachers of HSS/SS, Head Teacher of UPS/Sr. Basic Schools having the Degree with B.Ed. Qualification and 5 (five) years of continuous and satisfactory service, as such.

Provided that the encadrement for the purpose shall be made strictly through the process of Screening Committee as may be prescribed by the Government, from time to time.

- (4) The posts of Head Teacher, UPS/Sr. Basic Schools and Head Teacher of LPS/Jr. Basic Schools shall be filled up by appointment on promotion from amongst the members holding the posts in the respective grade under the Junior School Service.
- (5) (a) Appointment to the posts of Assistant Teachers of HSS/SS shall be made by direct recruitment and/or on the recommendations of the Departmental Promotion Committee prescribed by the Government, from time to time.
- (b) Appointment to the posts of Assistant Teachers of UPS/Sr. Basic Schools and LPS/Jr. Basic Schools shall be made by direct recruitment, procedure for which shall be prescribed by the Government, from time to time.

7. Departmental Promotion Committee:

- (1) For the purpose of appointment by promotion under sub-rules (1) of rule 6, there shall be a Departmental Promotion Committee consisting of the following members:
- | | | |
|------|---|-------------|
| i. | Principal Secretary/ Commissioner & Secretary, Education | - Chairman. |
| ii. | Principal Secretary/ Commissioner & Secretary, Personnel
or his representative | - Member. |
| iii. | Principal Secretary/ Commissioner & Secretary, Finance
or his representative | - Member. |
| iv. | Director, Higher & Technical Education | - Member. |
| v. | Director, School Education & Literacy
Secretary. | -Member |
- (2) For the purpose of appointment by promotion under sub-rule (2) of Rule 6, there shall be a Departmental Promotion Committee consisting of the following members:
- | | | |
|------|---|-------------|
| i. | Director, School Education & Literacy | - Chairman. |
| ii. | Deputy Secretary to the Govt. of Meghalaya, Per & AR Deptt. | - Member. |
| iii. | Deputy Secretary to the Govt. of Meghalaya, Finance Deptt | - Member. |
| iv. | Deputy Secretary to the Govt. of Meghalaya, Education Deptt | - Member. |
| v. | Joint Director School Education & Literacy.
Secretary. | -Member |
- (3) For the purpose of appointment by promotion under sub-rules (4) and (5)(a) of Rule 6, there shall be a Departmental Promotion Committee consisting of the following members:
- | | | |
|------|--|-------------|
| i. | Joint Director School Education & Literacy (District) | - Chairman. |
| ii. | District School Education Officer (of concerned District) | - Member. |
| iii. | Sub-Divisional School Education Officer (of concerned Sub-Division)- | Member. |
| iv. | Deputy Director, School Education & Literacy
Secretary. | -Member |

- (4) The Committee may invite any other persons to attend its meeting if and when considered necessary.

8. Procedure for preparing the Select List:

- (a) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each cadre of the Service during the year. To enable the Committee to prepare the lists for promotion to those grade, the Appointing Authority shall furnish the Committee with the following documents, namely:
- i. A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (a),
Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.
 - ii. The Character Rolls and Service Records of such members.
 - iii. Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.
- (b) The Committee after examining the Character Roll, Service Records and other documents in respect of all such person, shall prepare a list based on seniority with due regards to individual merit and suitability. The number of persons to be included in the Select List shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.
- (c) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.
- (d) For the purpose of appointment by promotion under rule 6, the Appointing Authority shall consider and approve the list prepared by the Committee along with the Character Roll and Service Records and other documents in respect of each person in the list unless it considers that any change is necessary. If the Appointing Authority considers that it is necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as may in its opinion to be just and proper.
- (e) The list approved under rule (d) above shall form the Select List for the purpose of appointment by promotion under Rule 6.

9. Validity of the Select List:

- (a) The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority with the approval of the Commission;
Provided that such an extension shall not be for a total period exceeding six months;
Provided further, that in the event of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if it thinks fit, remove the name of such persons from the Select List in consultation with the Commission. The reasons for doing so shall be recorded in writing.
- (b) The Committee shall meet once a year to review the Select List.

10. Direct recruitment:

- (a) Competitive Examination for direct recruitment under sub-rule (5)(a) of rule 6 shall be held at such interval as the Appointing Authority may decide, in consultation with the Commission from time to time. The date on which and the place at which the examination shall be held, shall be fixed by the Commission.
- (b) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may from time to time make in consultation with the Commission.
- (c) Out of the number of vacancies to be filled up on the result of each examination, there shall be reservation in favour of candidates belonging to Schedule Caste and Schedule Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.
- (d) On the basis of the result of the examination, the Commission shall prepare a list of all successful candidates in order of merit which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidate for appointment to the post. The number of persons to be included in the list shall be according to the actual vacancies that are likely to occur during the recruitment year plus 10 (ten) percent of the actual vacancies or two names whichever is more. The list shall be forwarded to the Appointing Authority.
- (e) The inclusion of a candidate's name in the list confers no right to appointment unless the Government is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that the appointment to any post in the service is subject to availability of vacancy.
- (f) Competitive Examination for direct recruitment under sub-rule (5)(b) of rule 6 shall be held at such interval and in such a manner as the Government may decide,

11. Conditions of eligibility for appearing at the Competitive Examination:

In order to be eligible to compete at the Examination for direct recruitment, a candidate must satisfy the following conditions, namely;

- i. Nationality – He/she must be a citizen of India.
- ii. Age – He/she must have attained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement is made;
Provided that in the case of candidate belonging to Schedule Caste and Schedule Tribe, the upper age limit will be subject to relaxation made by the Government from time to time.
- iii. Educational Qualifications – as laid down in Schedule II.

12. Disqualification for appointment to the Service:

- i. No person who, after such medical examination as the Government may prescribe is not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him unfit in the discharge of his duties shall be appointed to the service.
- ii. No person who has been convicted for any offence involving moral turpitude shall be appointed to the service.
- iii. No person who has more than one spouse living shall be eligible for appointment to the service;
Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule (iii).
- iv. No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by other means, shall be appointed to a post in the Service.

13. Appointment to posts in the Service:

- i. Appointment to any post in the Service under Rule 6 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.
- ii. Subject to the provisions of sub-rule (a) and (e) of Rule 10 appointment by direct recruitment under Rule 6(d) shall be made from time to time in order in which the names of candidates appear in the Merit List prepared under sub-rule (d) of Rule 8.
- iii. A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which and unless the Appointing Authority extend the period of joining which shall not in any case exceed three months, the appointment shall be cancelled.

- iv. Appointment under Sub-Rules (1), (2), (3) and (4) of the Rule 6 shall be made in the order the names of candidates appear in the Select List approved under sub-rule (d) of Rule 10.

14. Probation:

Every person appointed under Rule 6 shall be on probation for a period of 2 (two) years;

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding two years;

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity may, having regard to his performance, be counted towards the period of probation.

15. Departmental Examination and Training:

- (a) Such persons referred to in sub-rule (b) of rule 3 and who have not passed the Departmental Examination conducted by the Commission and or have not undergone the training prescribed from time to time shall within a period of two years from the date of commencement of these rules complete successfully such prescribed training.
- (b) Every person appointed to posts in the Service after commencement of these Rules shall during the period of probation, shall complete successfully such training as may be prescribed by the Appointing Authority.

16. Discharge or reversion of a probationer:

A probationer shall be liable to be discharged from the post he/she holds in the service or reverted to the permanent post in which he holds a lien had he/she not been suspended under the rules applicable to him prior to his appointment to the post as the case may be, if:

- (a) He/she fails to make sufficient use of the opportunities given during the training or fails to give satisfactory performance during the period of probation, or
- (b) He/she fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed, or
- (c) On any information received relating to his/her nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

17. Seniority:

- (a) The seniority in any group, of persons brought from the Central Government or from other State Governments on deputation and subsequently absorbed permanently under

the Government of Meghalaya before or after the commencement of these Rules shall be determined with effect from the date such persons started serving continuously in that group as deputationist and will rank junior to the junior most person in position in that particular group at that particular time.

- (b) The interse seniority of the members of the Service appointed to different cadres shall be determined in the order in which their names appeared in the Select List approved under sub-rule (d) of Rule 8 or in the Merit List prepared under sub-rule (d) of Rule 10;

Provided that in any cadre a member appointed by promotion shall be senior to a member appointed by direct recruitment, where such appointment falls in the same year.

- (c) If confirmation of any member of the Service is delayed on account of his/her failure to qualify for such confirmation, he shall lost his position in order to seniority in that cadre vis-à-vis such of his juniors who may be confirmed earlier than him/her. His original position in that particular cadre shall, however, be restored on his/her confirmation subsequently.

18. Confirmation:

- (a) Confirmation of member of the Service appointed by promotion to Senior School Service (Grade I & Grade II) and Junior School Service (Grade I & Grade III) shall be made in the respective cadre according to his/her seniority in that cadre subject to the following conditions, namely:-

- i. that he/she has served not less than one year in the post in which he/she is to be confirmed or in a similar post with identical pay scale.
- ii. that his/her performance is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records).
- iii. that there is no departmental proceeding or vigilance enquiry against him/her.
- iv. that the vacancy is available and no Officer holds a lien on it.

- (b) Confirmation of a probationer in a service shall be made according to his/her seniority in the service subject to the following conditions, namely:-

- i. that he/she has completed the period of probation to the satisfaction of the Appointing Authority.
- ii. that he/she has successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.
- iii. that vacancy is available and no Officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of

not successfully undergoing the said training but such persons shall, when called upon by the Appointing Authority and opportunity given, successfully undergo that said training, failing which he shall be liable to be removed from service unless the Appointing Authority allows him other chances.

Provided further, that the Appointing Authority may, for good and sufficient reasons, exempt a member of the service from passing any one or more of the prescribed Departmental Examination and Training and confirm him in the respective cadre of the Service.

19. Gradation List:

There shall be prepared and published annually an up-to-date gradation list as on 1st January consisting of the names of all members of the service cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be indicated against each name.

20. Time Scale of Pay:

(1) Time Scale of pay admissible to the members of the service shall be as shown in Schedule I subject to revision by Government from time to time.

21. Increment:

- (a) The first increment admissible to a probationer shall accrue on the expiry of one year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the training courses as may be prescribed.
- (b) Such persons referred to in sub-rules (a), (b) and (c) of Rule 16 who have not passed the Departmental Examination or have not undergone the prescribed training shall be allowed to draw increment becoming due within a period of two years from the date of commencement of these Rules but further increments shall be allowed only on their passing of the Departmental Examination completely and on successful completion of the training course.
- (c) The pay of a member of the Service on his passing the Departmental Examination and/or the prescribed training course shall be fixed at such a stage as if they had been allowed his usual annual increments due but he shall not be entitled to any arrear in pay on account of withholding of due increment during the period prior to the date of passing the Departmental Examination and/or the prescribed training course.

(d) The increment admissible to a member of the Service promoted from one post to another shall accrue as admissible under the relevant Rules.

22. Leave, pension etc. and other conditions of service:

Except as provided under these rules, all matters generally relating to leave, pension, discipline and other conditions of service shall be regulated by rules and orders made by the Government from time to time and applicable to other State Government from time to time and applicable to other State Government servants holding corresponding status.

23. Power of the Governor to dispense with or relax any Rule:

The Governor, if satisfied that the operation of any of the provisions of these Rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such extent and subject to such condition as he may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

24. Interpretation:

If any question arises relating to the interpretation of these rules the decision of the Government in the Education Department with the approval of the Personnel & AR Department shall be final.

25. Repeal and saving:

All rules, orders, or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

Schedule – I
(Rule 4 (1))

Sl. No.	Service/Grade	Posts	Scales of pay
(1)	(2)	(3)	(4)
1	Senior School Service Grade I:	Vice-Principal (HSS), Assistant Headmaster/Headmistress (SS), Assistant Lecturers (HSS), Assistant D.I. of Schools (to be redesignated as Addl. SDSEO/S.I. with 8 years of service), Assistant DAEO/ Assistant DSEO.	₹ 15700-390-18430-EB-510-23020-690-30610/-
2	Senior School Service Grade II:	Sub-Inspectors of Schools, Assistant Teacher (SS) (Graduate with B.Ed.), District Science Supervisor, Technical Assistant Science Education, SEO/LSEO (Graduate), Assistant Teacher (Graduate with B.Ed./without B.Ed. teaching in both UPS and SS of amalgamated schools, Drill/Drawing Teacher (Graduate), and Head Teacher of UPS (Graduate).	₹ 14100-350-17290-EB-460-20690-620-27510/-
3	Junior School Service Grade I:	Head teacher of UPS/Sr. Basic Schools (Under graduate/PUC), Assistant Teacher UPS/Sr. Basic Schools (Graduate), Drill-cum-Drawing Master of UPS/Sr. Basic Schools (Under Graduate/PUC), and Hindi Teacher UPS/Sr. Basic Schools (Graduate)	₹ 11300-280-13260-EB-360-16500-500-22000/-
4	Junior School Service Grade II:	Assistant Teachers UPS/Sr. Basic Under Graduate (PUC), Hindi Teacher UPS/Sr. Basic Schools (PUC), Craft Teacher (PUC), Craft Instructor (Matric/HSLC with Diploma Certificate in Craft from recognised Technical Institution/National Trade Certificate), and Drill/Drawing Teacher (PUC).	₹ 9900-250-11650-EB-320-14530-440-19370/-
5	Junior School Service Grade III:	Head Teacher LPS/Jr. Basic Schools, Assistant Teacher (Matriculate/HSLC), Craft Teacher (Matriculate/HSLC), Craft Instructor (Non-Matriculate with Diploma Certificate in Craft from recognised Technical Institution), and SEO/LSEO (Matriculate/HSLC).	₹ 9200-230-10810-EB-300-13510-410-18020/-

Schedule II
(Rule 4 (1))

Sl. No.	Cadre/Posts	Methods of Recruitment	Person(s) eligible for consideration	Educational qualification & qualifying service	Appointing Authority
(1)	(2)	(3)	(4)	(5)	(6)
1	Vice-Principal (HSS)/ Assistant Headmaster/ Headmistress/ Assistant D.I. of Schools/ Assistant DAEO/Assistant SEO.	Promotion	(a) Assistant Teacher (HSS/SS)/TASE/ SEO/LSEO/DSEO Drill/Drawing Teacher / Head Teacher UPS (b) S.I of Schools	Degree with B. Ed & 8 years of continuous and satisfactory service	Government in Education Department
2	Assistant Lecturer (HSS)	(i) 25 % by Promotion (ii) 75% by Direct Recruitment	Assistant Teacher (SS/HSS)	PG Degree with 3 years of continuous and satisfactory service PG Degree	-do-
3	S. I. Of Schools	Transfer by encadrement	Assistant Teachers/Head Teacher UPS/SEO/LSEO	Degree with B. Ed and 5 years of continuous and satisfactory service	Director School Education & Literacy Encadrement through Screening Committee
4	Head Teacher UPS/Sr. Basic Schools	Promotion	Assistant Teacher UPS	Degree with 5 years of continuous and satisfactory service	District School Education Officer
5	Head Teacher LPS/Jr. Basic Schools	Promotion	Assistant Teacher LPS	HSSLC with DEE and 3 years of continuous and satisfactory service	Sub-Divisional School Education Officer
6	Assistant Teacher SS/HSS/Sr. Basic Schools	Promotion /Direct recruitment	Assistant Teacher UPS	Degree with B. Ed and 5 years of continuous and satisfactory service (for direct recruitment – Degree with B. Ed)	Director School Education & Literacy
7	All posts under Jr. School Service Grade II	Direct recruitment	-	HSSLC with Diploma in Elementary Education	District School Education Officer
8	All posts under Jr. School Service Grade III	Direct recruitment	-	HSSLC with Diploma in Elementary Education	Sub-Divisional School Education Officer

P. S. THANGKHEW,
Principal Secretary to the Govt. of Meghalaya,
Education Department.

**MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
SHILLONG**

The 24th August 2012.

No.MSERC/77/2012/04:-In exercise of the power conferred under sub-section 181(1) read with clause (b) of sub section(1) of section 86 of the Electricity Act, 2003 and all powers enabling it in that behalf and after previous publication the Meghalaya State Electricity Regulatory Commission hereby makes the following Regulations, namely –

**THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
(POWER PURCHASE AND PROCUREMENT) REGULATIONS, 2012.**

(4 of 2012)

Chapter - 1.

General

1. Short Title and Commencement and applicability

1. These regulations shall be called the Meghalaya State Electricity Regulatory Commission (Power Purchase and Procurement) Regulations, 2012.
2. The Regulations shall come into force on the date of their notification in the Gazette of Meghalaya.
3. They shall apply to all distribution licensees within the State of Meghalaya for purchase and procurement of power for distribution and supply in the State.

Chapter – 2

Definitions

2. In these regulations, unless the context otherwise requires -

"Act" means the Electricity Act, 2003 (36 of 2003);

"Area of Supply" means area within which a distribution licensee is authorized by his license to supply electricity;

"Commission" means the Meghalaya State Electricity Regulatory Commission (MSERC);

"Distribution Licensee" means a licensee authorized to operate and maintain a distribution system to supply electricity to consumers in his area of supply;

"License" means a license granted under section 14 of the Act;

"Supply" means, in relation to electricity, the sale of electricity to a licensee or consumer;

The words and expressions used in these Regulations but not defined herein shall have the same meaning as assigned to them in the Act. Expressions used herein but not specifically defined in these Regulations or in the Act but defined under any law by a competent legislature and applicable to the electricity industry shall have the same meaning assigned to them in such law.

Chapter – 3

Procedure for power procurement

3. (1). A distribution licensee
- (a). shall purchase power in an economical manner and by a transparent process through competitive bidding; and
 - (b). may enter into agreements with or make arrangements for purchase of power from a generating company or trader or any licensee and such agreements or arrangements shall be on the basis of least cost method of supply.
- (2). Any agreement or arrangement referred to in clause (b) of sub-regulation (1) shall require prior approval of the Commission before it is so made and for obtaining the approval the licensee shall make an application to the Commission with all relevant details about the purchase required.
- (3). Agreements or arrangements entered by the licensee prior to the commencement of these regulations shall be deemed to have been made under these regulations and shall remain in force until the dates of their expiry:

Provided that the Commission may after due consideration give order that an agreement or arrangement be cancelled or terminated if it is satisfied that the terms and conditions thereof are not in the interests of the consumers at large.

Chapter – 4

Planning for power procurement

4. Every licensee shall, before resorting to power procurement, shall assess and plan in accordance with the guidelines under this regulation and submit to the Commission for approval, that is -
- (1) Demand forecast :**
- (a) Every distribution licensee shall prepare, on an annual basis, forecast for the demand in his area of supply for each of the next succeeding seven years in accordance with the guidelines issued by the Commission from time to time and submit them to the Commission.

- (b) (i) The seven year forecast shall cover the unrestricted demand forecast for all categories EHT, HT and LT.

Note: For this purpose, all categories whose total connected load is more than 5% of the total system connected load shall be considered as 'major' category and shall include HT industry, HT railways, HT mines, agriculture, domestic, LT industry, LT commercial and any other existing, new or merged categories.

- (ii) Technical and non-technical losses

- (iii) The licensee shall estimate the current demand levels for the morning peak hours and for all categories combined, as detailed below:

March – October (morning peak hours) 05.00 – 09.00 hrs

March – October (evening peak hours) 17.00 – 21.00 hrs

November – February (morning peak hours) 05.00 – 09.00 hrs

November – February (evening peak hours) 17.00 – 21.00 hrs

This estimate shall include load curtailment plan also.

- (c) The Commission may change the definition of peak hours, if necessary, based on a petition by a licensee or suo moto.

- (d) The annual forecast shall be submitted on or before 10th April of each year including Energy Requirement Calculations (ERC) statement along with the tariff filing.

(2) Mode of assessment of demand forecast

- (1) The demand forecast shall take into consideration:

- (i) trends and statistical analysis of historical data
- (ii) future projections
- (iii) forecasted results of implementation of business plan
- (iv) efficiency improvement programme
- (v) investment plans
- (vi) maintenance schedule of self generating plants
- (vii) central generating stations
- (viii) any other source of power

- (3) The estimate for demand forecast shall be made for seven years keeping in view the previous year's observations, current year projections and econometric and statistical forecast and shall cover:

- (a) overall economic growth projections
- (b) category wise forecast of demand for 7 years – morning peak, evening peak and off peak hours

- (c) the unrestricted demand and load restrictions
 - (d) cost of load curtailments and comparisons with cost of service and projected marginal cost of power
 - (e) plans for reducing the requirement during the forecast period through efficient demand side management
 - (f) projected improvements due to implementation of business plans and efficiency improvement measures.
5. The Commission may direct the licensee to furnish such information and / or clarifications as may be necessary to examine the proposal of demand forecast of the licensee.
6. The Commission, if necessary, may direct the licensee to publish the details of the load forecast, as specified, calling for any objections, comments or suggestions from the public within 15 days from the date of publication.
7. The Commission, after examining the objections, comments or suggestions received, shall accord approval to the demand forecast plan submitted by the licensee year-wise before the end of June each year.
- 8. Assessment of supply availability**
- (1) The licensee shall also prepare an estimate of availability of power during the seven year plan period for the morning peak, evening peak and off-peak which shall be based on:
- (a) existing shared resources, including state-owned, central and IPP owned generating plants
 - (b) generation with exclusive contracts with supply utilities / licensees
 - (c) forecast for plan period of energy and capacity availability from each of the existing sources of power
 - (d) commissioning of new generating stations during the period
 - (e) programmes for phasing out of old stations or extended period of maintenance / upgradation
- (2) The licensee, while making assessments of demand and supply availability for all the months in the seven year planning period, shall consult all concerned, including state sector generating companies, distribution licensees (including private sector), central sector generating companies, transmission companies, Regional Electricity Boards, National / Regional / State Load Despatch Centres and Central Electricity Authority.
- (3) The licensee shall also submit to the Commission proposals on availability of power, along with proposals for load forecast for approval.

9. (1) The power procurement plan consists of
- (A) Long term procurement plan for a period of 7 years and above;
 - (B) Medium term procurement plan for a period up-to 7 years but exceeding one year;
 - and
 - (C) Short-term procurement plan for a period below one year.
- (2) The licensee shall prepare a power procurement plan for the next seven years and submit to the Commission before the end of July each year as under.
- (3) The licensee shall prepare and submit proposals to the Commission in respect of (A) Long term procurement (B) Medium term and (C) Short term procurement and (D) Investment plan as under:
- (A) Long term and (B) Medium term procurement plan
- (i) Based on the approval accorded by the Commission for the demand forecast and assessment of supply availability, the licensee shall prepare a long term / medium term power procurement plan, as the case may be, in advance of the concerned period with its plans for procurement of power and seek approval of the Commission which shall include:
 - (a) projected demand in kW/kWh/kVAR
 - (b) forecast of generation from owned stations and purchases from other stations or sources with which the licensee entered into long term PPAs;
 - (c) assessment of gap; and
 - (d) plans to fill up the gap and the sources of supply
 - (ii) the licensee shall consider a time frame of 7 (seven) years and approach the Commission every year with its rolling 5 year long term / medium term power procurement plan outlining its projections and plans for the coming seven years.
 - (iii) While preparing a long term / medium term power procurement plan, the licensee shall consider:
 - (a) the balance requirement of power and energy during the plan period after accounting for the power procurement arrangements already entered into
 - (b) plans for procuring additional capacity required
 - (c) measures for demand curtailments
 - (d) proposed method of competitive solicitations including criteria for evaluation of alternative options

- (e) providing of least cost plan i.e least financial cost to the licensee with ultimate objective of making available secure and reliable power supply to all consumers with economically viable tariff keeping in view the power supply planning and security standards
- (iv) The licensee shall prepare and furnish:
 - (i) month wise details of past years (with year wise totals) indicating power produced by:
 - (a) state generators
 - (b) central sector generating units
 - (c) other generators with whom long term / medium term power purchase agreements have been entered into
 - (d) short-term purchases made in MU and costs along with unit cost
 - (e) category wise sales and losses in his area of supply
 - (v) the licensee shall submit to the Commission an updated long-term / medium-term power procurement plan for the previous year as approved by the Commission and included in the annual ARR filing to take the latest developments into consideration.
 - (vi) The Commission may direct the licensee to furnish such information or data as may be necessary, to review the long-term / medium-term power procurement plan within 2 (two) weeks from the date of receipt of the proposals from the licensee.
 - (vii) The Commission may, at it's discretion, require the licensee to publish the main details of the long-term / medium-term power procurement plan in such a form and in such manner as may be specified to notify the public to offer or file objections, comments or suggestions within two weeks from the date of publication.
 - (viii) The Commission shall consider all the representations received and pass orders approving the long-term / medium-term power procurement plan of the licensee with such amendments or modifications as it may consider appropriate within 90 days from the date of receipt of the information in complete shape.
 - (ix) After approval of the long term / medium term procurement plan by the Commission, the licensee shall initiate action to procure power from any sources as per the procedure laid down by the Ministry of Power, Government of India from time to time and subject to such conditions as the

Commission may stipulate and also enter into long term / medium term power purchase agreements or arrangements subject to the criteria laid down by the Commission.

10. Criteria for power purchase

- (1) The Commission shall lay down the criteria for power purchase by the licensee taking into consideration:
 - (i) policy directives of the Central or State Governments on power purchase, allocation including temporary allocation and diversion of power from different sources, generation from conventional and non-conventional energy sources within the State as per RPO Regulations.
 - (ii) guidelines on competitive bidding issued by MOP Government of India from time to time.
 - (iii) consultation with State Transmission Utility, transmission licensees, generating companies, distribution licensees and State Load Despatch centre to meet power shortages and restrictions to be imposed.
 - (iv) provision for spinning reserve or frequency control capacity
 - (v) mechanism for spot or bilateral purchase or overdrawal / under drawal of active and reactive power by distribution licensees
 - (vi) principle of least cost commensurate with the power system stability, system voltage, frequency profile and system losses;
 - (vii) power purchase and load management during under-frequency, over- frequency and island operations,
 - (viii) Giving preference for generation at zero cost, which may include:
 - (a) generation from run of river or canal based hydro stations
 - (b) generation from non-conventional energy sources like wind, solar etc but for which generation may waste; or generation from storage type hydro plant but for which generation may result in spillage of water
- (2) The licensee shall endeavor at all times when voltage is low, not to import reactive power from grid. Requirements of reactive compensation in the state power system shall be based mainly on recommendations of the Regional Load Despatch Centre.

(C) Short term power procurement Plan

- (1) The licensee shall prepare a short-term forecast of demand for power and supply positions to plan for:
 - (a) short-term power purchase agreements / arrangements
 - (b) annual maintenance schedule
 - (c) short term spot trade plan
- (2) The licensee shall consider a time frame of one year and prepare procurement plan for each quarter (3 months) of a year.
- (3) While submitting to the Commission proposals for short term power procurement, the licensee shall prepare an annual plan covering the following in respect of morning-peak, evening peak and off-peak periods.
 - (a) category wise unrestricted demand forecast for the ensuing quarter
 - (b) category wise restricted demand forecast
 - (c) forecast for the plan period of energy and capacity availability from each of the existing sources of power
 - (d) plans for reducing the demand for power in the forecast period through demand side management measures
 - (e) allowed power purchase costs as per the approved plan for the ongoing year in terms of deviations from target purchases and generation of units and the financial implications of the same
 - (f) behavior of grid frequency for the previous quarter for the ongoing year, current quarter for the ongoing year and the ensuing quarter for the previous year to evaluate possibilities of overdrawing from the grid as a substitute for firm short or long term trade agreements
- (4) The licensee shall approach the Commission every quarter with its short-term power procurement plan indicating its projections and plan for the ensuing quarter.
- (5) The proposal for short-term power procurement plan shall cover:
 - (a) the balance requirement of power and energy during the quarter after accounting for the existing agreements / arrangements
 - (b) time when power is required
 - (c) possibility for short term trade
 - (d) demand curtailment measures
 - (e) proposed method of competitive solicitation

- (f) criteria for evaluation of alternative options
- (6) (a) The Commission, in consultation with the State Load Despatch Centre, State Transmission Utility etc and within two weeks from the date of receipt of complete information as required, shall communicate its approval to enable the licensee to enter into commercial agreements in time before the commencement of the ensuing quarter and make purchases
- (b) The Commission shall indicate a ceiling on landed cost of power for the three months in the quarter under consideration for making purchases during morning peak, evening peak and off peak hours.
- (7) The Commission shall lay down a band of prices for various levels of projected demand to enable the licensee to make short term purchases expeditiously without obtaining approval of the Commission each time
- (8) The Commission shall make a review of the following at the time of finalizing procurement plan for each quarter:
 - (a) the process adopted by the licensee in the previous quarter to ensure that the commercial sense and financial prudence is strictly observed
 - (b) correctness of the assessment made by the licensee in regard to demand and availability
- (9) On receipt of approval from the Commission for the short term power procurement plan, the licensee shall prepare forecast of demand on month-wise and week-wise. The weekly forecast shall be made on hourly basis taking into consideration the likely rainfall, forecasted changes in weather, upcoming holidays or festivals etc.
- (10) Based on finalized requirement, the licensee shall enter into short term power purchase agreements or arrangements complying with the criteria laid down by the Commission and also take into consideration its directives on power purchase, allocation of power from different sources and generation from conventional and non-conventional sources within the State.

11. Procedure for power purchase

The licensee shall fulfill the following procedure while resorting to power purchase

- (1) intimate its daily requirement to SLDC a day in advance
- (2) implement the criteria for power purchase as laid down in the power procurement plan and as directed by the Commission

- (3) the SLDC shall work out the incremental and total cost of power purchase from each source based on relevant parameters such as fixed cost, variable cost, incentive, penalty etc and inform all the distribution licensees for adoption.

12. Review / scrutiny of power purchase arrangement / agreements

The Commission shall review or scrutiny any new power purchase agreement or arrangement or amendments to the existing power purchase agreements based on the following:

- (a) necessity
- (b) reasonability of cost
- (c) promoting efficiency, economy, equitability and competition
- (d) compliance with regulations
 - investment regulations
 - requirements of quality, continuity and reliability of supply
 - safety and environmental standards
 - criteria for purchase of power laid down
 - policy directives of Central and State Governments and National Power Policy

13. Mechanism for consultation

The Commission may constitute a mechanism for consultation among licensees

- (a) for meeting power shortages
- (b) for providing spinning reserves or frequency control capacity
- (c) for spot or bilateral purchase or overdrawl / under drawl of active and reactive power
- (d) other activities related to development of power procurement plan

Chapter – 5

Guidelines for procurement of power

14. The distribution licensee shall comply with the following:

- (1) procurement shall be in an efficient and economical manner under a transparent process.
- (2) It shall ensure that:
 - (a) Power required is to meet the licensee's service obligation

- (b) power requirement is in accordance with the load forecast and power purchase plan approved by the Commission
- (c) all economic, technical, system and environmental aspects of commercially viable alternatives have been examined (including arrangement for reducing the level of demand) in a manner approved by the Commission.
- (3) procurement procedure shall be as per the guidelines issued by the Ministry of Power, Government of India and / or the directions / instructions issued by the Commission from time to time on
 - (a) power procurement plan; and
 - (b) power procurement procedure
- (4) No power purchase shall be made without an authorisation from the Commission except in the case of power purchases for less than 6 months which shall be subject to the criteria laid down by the Commission.
- (5) furnish copies of contracts / agreements for procurement of power purchase (both long term, medium term and short term) to the Commission within one month of conclusion of the agreements / contracts
- (6) make short term power purchase as and when need arises but not as a matter of routine and shall be for a minimal period and quantity for balancing the supply and demand under extra-ordinary situations.
- (7) make short term power procurement power through transparent bidding process
- (8) make efforts for contracting power purchases for a medium period, say upto 7 years, to ensure that all the consumers can be supplied with power at the lowest tariff to the extent possible.

15. Price limit for short-term purchases

- (a) The Commission may fix a limit on the price at which licensees may procure power through short-term purchase taking into all relevance factors and implications there to.
- (b) While fixing the price limit under item 15 (a) above, the Commission shall take into consideration:
 - power purchase rates in other states for long term / medium term contracts to enable fixation higher rates for short term purchases
 - monthly reports on CERC short term transactions, the weighted average cost of bilateral transactions through traders etc
 - average realisation rate at current rates of tariff

- short term power purchase rates during the previous year for which tariff is fixed
 - sensitivity analysis in regard to the short term purchases on the overall power purchase cost
- (c) In case of purchase of required power beyond the price limit and the quantity, the licensee shall obtain prior approval of the Commission before making such purchase.
- (d) The licensee shall not resort to purchase of short term power from a generating station / trader with whom power purchase agreement has already been entered into unless the power to be supplied is covered by the contracted quantum of power.

16. Procedure for power procurement

- (1) The licensee shall notify the proposal to procure power to attract the maximum number of technically and financially qualified bidders to supply the required power
- (2) The licensee shall issue a Request for qualifications
 - (a) to ascertain the technical suitability and the eligibility of the bidders
 - (b) specify the requirements of power and the terms and conditions under which power is to be supplied
- (3) The licensee shall indicate the procedure and the criteria for evaluation of bids and the selection of the successful bidder and also the time schedule thereto.
- (4) The licensee shall adhere to the procurement procedure, including notification, specified by the Commission from time to time.
- (5) The Commission shall review the procedure adopted by the licensee to ensure that the power procurement is made in a transparent manner, and also conduct investigation wherever it is noticed that the procedure followed is not in accordance with specified procedure.
- (6) The Commission may direct the licensee to take corrective steps, including cancellation of the tender and declaring the result as null and void wherever necessary.
- (7) The Commission shall accord approval, as and when necessary, if any deviation is required from the guidelines issued by the Ministry of Power, Government of India.

Chapter – 6**Miscellaneous****17. Removal of difficulties**

The Commission may, by general or specified order, remove any difficulty in implementing the provisions of these regulations, not being inconsistent with the Act in the manner considered appropriate.

18. Power to relax

The Commission reserves the right to relax any of the provisions of these regulations or any of the directives or guidelines issued from time to time subject to such conditions as it may deem necessary.

19. Power to amend

The Commission may, at any time, on an application or suo-moto amend, modify, alter any of the provisions of these regulations, as it may deem necessary.

20. Savings

Nothing in these regulations shall be deemed to limit or otherwise affect the power of the Commission

- (a) to issue any order direction, as it may deem necessary in public interest
- (b) to adopt any procedure, in conformity of with provisions of the Act, which is at variance to the provisions of these regulations
- (c) to deal with any matter or exercise any power under the Act for which no regulations have been framed.

J. B. POON,

Secretary

Meghalaya State Electricity Regulatory Commission
Shillong.

**MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
SHILLONG**

The 27th August, 2012.

No.MSERC/TRAD-LIC/07/2011/05. - In exercise of powers conferred under section 181 read with under section 52 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf and after previous publication in the Gazette of Meghalaya the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, namely;

THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

(GRANT OF LICENSES FOR TRADING IN ELECTRICITY)

REGULATIONS, 2012.

(5 of 2012)

Chapter – 1

Preliminary

1. Short title and commencement

- (1) These regulations shall be called the Meghalaya State Electricity Regulatory Commission (Grant of Licenses for Trading in Electricity) Regulations, 2012.
- (2) These regulations shall be applicable throughout the State of Meghalaya
- (3) These regulations shall come into force from the date of publication in the Official Gazette of the State.

2. Definitions

In these regulations, unless the context otherwise requires,

- (i) **“Act”** means the Electricity Act, 2003 (36 of 2003).
- (ii) **“Appellate Tribunal”** means the Appellate Tribunal constituted under section 110 of the Act to hear appeals against the orders of the adjudicating officer or the Commission.
- (iii) **‘Area of activity’** means trading in electricity in the State of Meghalaya.
- (iv) **“Agreement”** means a contract entered into by the trader with seller of electricity, buyer of electricity or any other licensee which enables trading in electricity to take place.
- (v) **“Annual Accounts”** means annual accounts of the licensee prepared in accordance with the provisions of the Companies Act 1956 (1 of 1956) from time to time as amended or in such manner as the Commission may direct from time to time.

- (vi) **“Applicant”** means a person who has made an application to the Commission for grant of license for trading in electricity under section 15 of the Act.
- (vii) **“Commission”** means the Meghalaya State Electricity Regulatory Commission (MSERC).
- (viii) **“Customer”** means any person purchasing electricity from a trading licensee.
- (ix) **“Deemed licensee”** means a person as defined under first, third and fifth proviso under section 14 of the Act.
- (x) **“Distribution”** means the conveyance or wheeling of electricity by means of a distribution system.
- (xi) **“Force Majeure”** means any event beyond the reasonable control of the licensee, including but not limited to earthquakes, cyclones, floods, storms, adverse weather conditions, war, terrorist attacks, civil commotion etc, the occurrence of which leads to or involves breach of law or regulations or rules by the licensee.
- (xii) **“Grid Code”** the State Grid Code, specified by the Commission under sub-section (1) (h) of section 86 of the Act covering all technical aspects relating to connections to the operation of the grid.
- (xiii) **“Intra State Trading”** means trading in electricity within the state of Meghalaya.
- (xiv) **“Licence”** means a license granted under section 14 of the Act, by the Commission to a person for trading in electricity.
- (xv) **“Other business”** means any business of the trader other than the licensed business.
- (xvi) **“State”** means State of Meghalaya
- (xvii) **“Trading”** means purchase of electricity for resale thereof and the word ‘trade’ shall be construed accordingly.
- (xviii) **“Trading Licensee”** means a person to whom a licence has been granted for trading in electricity under section 14 of the Act by the Commission and includes a deemed licensee.
- (xix) **“Licensee”** means a person who has been granted licence.

The words and expressions used in these regulations but not defined herein shall have same meaning as assigned to them under the Act.

Chapter – 2

General

3. Grant of license

The Commission shall grant a license to any person who undertakes trading in electricity on an application filed by him under section 15 of the Act for such a period as the Commission deems fit based on merits of each case.

4. Procedure for grant of a license

- (1) Every person who desires to trade in electricity shall make an application as in Annexure I or in such a manner as may be specified by the Commission along with the fee specified by the Commission.
- (2) Any person who makes an application under sub regulation (1) for grant of a trading license shall publish a notice of such application within seven days after making such application with such particulars and in such manner as may be specified by the Commission.
 - (a) publish a notice in two daily news papers one in English and another in local language, indicating the name and address of the person to whom it proposes to issue a trading license to enable interested persons to file objections or suggestions within 30 days from the date of publication.
 - (b) No license shall be granted until the objections, if any, received in response to the notice are considered or disposed of by the Commission.

The Commission may also obtain the comments of the applicant, if considered necessary, on the objections or suggestions received.
- (3) The Commission may, on scrutiny of the application, require the applicant to furnish within a specified date, any additional information or documents as it may consider necessary for processing the applicant's case.
- (4) The Commission shall, as far as possible, within 90 (ninety) days, after receipt of the application:
 - (i) issue of a license, as in Annexure II, subject to the provisions of the Act, as amended from time to time; or
 - (ii) reject the application for the reasons to be recorded in writing, if such application is not in accordance with the procedure stipulated by it and after giving the applicant an opportunity of hearing him.

- (5) The Commission shall also, immediately, after issue of the license, forward a copy of the license to the State Government, local authority and to such other authority or person as it may consider appropriate.
- (6) The period of the license shall be twenty-five years unless it is revoked by the Commission earlier.

5. Conditions for grant of license

The Commission may specify any general or specific conditions, as it may be deemed necessary, which shall be the conditions of such license, which are to be complied-with by the trader.

6. Qualifications of an Electricity Trader

(a) Technical

The applicant shall fulfill the following:

- (1) shall have experts and skilled staff with requisite qualification and experience in (i) power system (ii) finance and commerce.
- (2) adequate space for office, communication facilities like telephone, fax, computer, internet etc.
- (3) own website to post all required information relating to his business.
- (4) shall submit along with his application the following information to assess his capabilities in respect of his resources deployed in the trading business to the Commission.
 - (i) the number of experts, summary of their qualifications, experience and knowledge in electricity industry, marketing, their understanding of the operation of the system and commercial functions, number of years of experience etc.
 - (ii) number of key staff working, their qualifications (academic and technical), experience and skills.
 - (iii) details of office accommodation, communication facilities available including website; and
 - (iv) copies of relevant documents in respect of above.
- (5) The applicant shall satisfy the Commission that the technical capacities and resources are sufficient to manage the trading activities entrusted.
- (6) Before granting intra-state trading license, the Commission shall satisfy itself that the applicant is competent to discharge the duties and functions stipulated in the Act, rules and regulations made thereunder.

(b) Financial requirements to be fulfilled by the trader:

(1) Every applicant shall submit to the Commission the following along with his application in respect of his financial status:

- (i) details of his earnings and history
- (ii) balance sheet
- (iii) profit and loss account
- (iv) cash flow statement
- (v) funding arrangements
- (vi) risk management strategy to establish that he is capable of meeting the net worth requirement as indicated in item (2) below:

Before granting the license, the Commission shall satisfy itself that the applicant has fulfilled all the above requirements.

(2) The net worth requirement of the electricity trader / applicant shall be similar to those specified in the CERC relevant regulations at any time and licensee shall have the following financial limits:

Category of the trading license	Annual volume of the trader	Annual licence fee
A	Upto 50MU	Rs. 50,000
B	Above 50MU and upto 100 MU	Rs. 75,000
C	Above 100MU and upto 200 MU	Rs. 1.00 lakh
D	Above 200MU and upto 300 MU	Rs. 1.50 lakhs
E	Above 300MU and upto 400 MU	Rs. 2.00 lakhs
F	Above 400MU and upto 500 MU	Rs. 2.50 lakhs
G	Above 500MU	Rs. 3.00 lakhs

Note: The above limits are subject to the following conditions:

- (i) The licensee shall increase his net-worth corresponding to the increase in the volume of trade from a lower limit to the next higher limit.
 - (ii) The change in the category shall be based on the volume of trade as on 31st March each year.
 - (iii) The licensee shall keep the Commission informed of his moving from one category to another and the consequential changes in the net worth.
- (3) The applicant shall declare to the Commission:
- (i) maximum trade volume which he can handle in a month and his future plans of trading during the initial period of three years.
 - (ii) the capital adequacy and net-worth maintained which is sufficient to cover the maximum trade volume together, with documentary evidence, over an average settlement period of

one month (30 days) worth credit as an electricity trader subject to the limits specified in sub-regulation (2) above.

(iii) Shall endeavor to maintain investment grade credit rating duly certified by an independent credit testing agency to the effect.

(iv) the capital adequacy shall be based on:

(1) the quantum of trade specified in the license

(2) pool rate of the power handled by the trader including company expenses

(3) cover trade risks on account of default in payment and change in price adjustability on a six monthly basis with corresponding adjustments in the equity of the trader over and above the initial limit of capital adequacy approved by the Commission

(c) The credit worthiness of the licensee shall correspond to the percentage of trade default in relation to the capital adequacy for three settlement periods. The Commission shall review and revise the credit worthiness every six months along with the revision in capital adequacy as deemed fit.

7. Date of commencement of the license

The Commission shall specify the date of commencement of the license in the license itself.

8. Compliance with Acts, Rules, Regulations etc

(1) The trading licensee shall comply with the provisions of the Act, rules and regulations made thereunder, orders and directions of the Commission issued from time to time and the provisions of any law applicable to the electricity industry.

(2) The trading licensee shall comply with regulations on phasing of open access in electricity distribution, standards of performance, grid code, supply code etc specified by the Commission.

(3) The trading licensee shall also comply with all the directions issued by the State Load Despatch Centre from time to time.

9. Furnishing of information by the trading licensee

The licensee (including a deemed licensee) shall furnish to the Commission:

(i) such information as may be specified to monitor the trader's performance, compliance with terms and conditions of the license, legislative or regulatory requirements etc and

(ii) The trading licensee shall furnish to the Commission, as and when required or directed any information, documents and details relating to his business or any other business for the

purpose of the Commission, Government of India, State Government, State Transmission Utility, the State Load Despatch Centre, the Central Commission and / or the Central Electricity authority.

- (iii) Shall furnish information as directed by the Commission under section 128 of the Act.
- (iv) on any incident which will restrict it in meeting its obligation under the license granted to it, including any act of omission or commission by others and the steps taken by the licensee to reduce the effect of such incident.
- (v) report on the occurrence of any other incident which materially affects any part of trading activities, within one month from the date of occurrence of such incident along with:
 - (a) giving full details of the facts within the knowledge of the licensee regarding the incident and its causes;
 - (b) in case of any delay, the reasons for such delay
 - (c) furnishing of copies of all documents etc when major incident occurs and also as the Commission may direct
- (vi) submit a business plan, after the license coming into force or within such period as the Commission may direct, and thereafter update the plan annually, covering the following, among others:
 - year wise turnover
 - projected profit and loss account
 - projected balance sheets
 - projected cash flow statements
 - any other important financial parameters
- (vii) shall furnish to the Commission, State Transmission Utility, SLDC or any other authority all data, trading business plan etc as may be required in respect of his trading business.

10. License fee

- (1) Every trading licensee shall pay an initial / annual license fee, as may be fixed by the Commission, from time to time in the manner specified on due date.
- (2) If the licensee fails to pay the license fee within the specified date, the licensee shall be liable to pay the Commission, an interest, as specified, on the outstanding amount at the rate of on the amount due or part thereof for the period from the day on which amount falls due and ending on the day the payment is made.

- (3) The licensee shall be entitled to take into account any fee paid by him in accordance with sub-regulation (1) above for determination of aggregate revenue excluding the interest, if any, paid as per sub-regulation (2) above.

11. Trading margin

The Commission shall fix the trading margin for the trading licensee under section 86 (1) (i) of the Act.

12. Amendment, modification, alteration etc., to the license

- (1) The Commission may, *suo moto* or otherwise, amend, modify or alter the conditions laid down in the licence of the trader.
- (2) If the licensee proposes an amendment, modification or alteration, it shall be made through an application to the Commission, in the form specified by the Commission, duly accompanied by a statement of the proposed amendment, modification etc, together with any fee specified by the Commission.
- (3) The licensee shall, within seven days from the date of filing the application with the Commission, (i) publish a notice giving brief statement of the amendment, modification(s) etc proposed, the reasons therefore, this effect in the discharge of the functions of the licensee and such other information as may be directed by the Commission. (ii) the licensee shall make available copies of the application together with all relevant details to the public in the manner specified by the Commission.
- (4) In case the Commission proposes to amend, modify or alter, *suo moto*, it shall also follow the procedure in clause (3) above

13. Duties and obligation of electricity trading licensee

- (1) The licensee shall perform all such duties and obligations, purchase and sale of electricity as may be specified by the Commission.
- (2) The licensee shall enter into agreements for purchase and sale of electricity and make all arrangements required for the proper discharge of his obligations under the license, including all safeguards in regards to supply, payment for electricity traded etc.
- (3) The licensee shall enter into agreements with the transmission / distribution licensee, as the case may be, for conveyance of electricity unless his customer or supplier made such an arrangement. Any such arrangement shall comply with the directions of the Commission issued from time to time.

- (4) The licensee shall be responsible to the Commission, customers and other concerned in the matter of supply electricity notwithstanding any default by the distribution licensee
- (5) (i) The trading licensee shall not, without prior permission of the Commission;
 - (a) undertake transmission of electricity to any person,
 - (b) undertake any transaction to acquire by purchase or takeover or otherwise the utility of another licensee,
 - (c) acquire any beneficial interest in any generating company or generating station, or,
 - (d) engage in the business of electricity distribution,
 - (e) take loans or issue any guarantee for any obligation to any person, except in connection with the licensed business,
 - (f) transfer or assign his utility or license or part thereof through sale, lease, exchange or other wise,
 - (g) merge his utility with utility of any other licensee
- (6) (i) Before obtaining approval of the Commission under items (a) and (g), the licensee applying for such approval shall give a notice of not less than one month to every other licensee, who distributes electricity in the area of such licensee,
- (ii) Where such permission is required, the licensee shall file an application with Commission, duly furnishing all required information for its consideration.
- (iii) The Commission, within 30 days of receipt of the application from the licensee, shall either accord permission or reject the application, as it deem necessary. The applicant shall be informed of the reasons for such rejection to the applicant before issue of orders.

14. Trading margin and expected revenue calculation

- (1) The licensee shall calculate the expected revenues from the charges, which it is permitted to recover as a trading margin in accordance the provisions of the Act, the terms and conditions of the license and other guidelines, orders and directions issued by the Commission from time to time.
- (2) The licensee shall file the expected revenue calculations in the manner specified, by the Commission from time to time.
- (3) The licensee shall, not later than 30th November every year, submit to the Commission a statement containing full details of its expected aggregate revenues and cost of service for the ensuing financial year in respect of the licensed business based on the trading margin approved by the Commission.

15. Contravention of terms and conditions of licence

The Commission may pass such orders, as it may deem necessary, if there is any contravention or likelihood of contravention of the terms and conditions of the licensee.

16. Issue of orders, directions etc.

Subject to the provisions of the Act, rules / regulations made thereunder, the Commission may, from time to time, issue orders or directions in regard to implementation of these regulations and procedures to be followed by the licensee on any matter, as it deems fit.

17. Investigation on failure to comply with terms and conditions by the licensee

- (1) Where the Commission is satisfied that a licensee has failed to comply with any or all the terms and conditions of the license or the provisions of the act, rules, codes or regulations, it may order investigation into the affairs of the licensee under section 128 of the Act.
- (2) On receipt of the investigation report, the Commission shall give an opportunity to the licensee to make a representation on the findings contained in the report. After examining the representation, the Commission may direct the licensee to take such action as may be necessary or revoke the license.
- (3) The Commission, while giving direction under sub-section (2) above, the Commission shall adhere to the procedure laid down under section 130 of the Act.

18. Interpretation

All matters requiring interpretation of these regulations shall be decided by the Commission only and the decision of the Commission shall be final. In case any person is aggrieved by the decision of the Commission, he may go in appeal to the Appellate Tribunal under section 111 of the Act.

19. Removal of difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, direct the licensee to take action as it may consider appropriate or necessary.

20. Safety in electricity supply

The licensee shall take precautionary measures to:

- (1) protect the customers or public from damage or use of electricity supplied including installations, maintenance of plant etc.
- (2) eliminate or reduce risks of personal injury to any person or damage to property of any person or interference with use of such property.
- (3) prohibit supply by means of a system which does not conform to the specifications as may be specified.
- (4) give intimation in the specified form to the Commission and the Electrical Inspectorate or any concerned authority on accidents and failures of supply.
- (5) maintain maps, plans and sections relating to supply of electricity etc.
- (6) ensure conducting of inspection of maps, plans and section of the licensee by any authorized person or Electrical Inspector or by any person on payment of specified fee.
- (7) suggest action to be taken in regard to any electric line or plant or appliance under the control of the consumer for the purpose of eliminating or reducing risk or personal injury or damage to property or interference with its use.

21. Revocation of license

- (1) The Commission may, after making an independent enquiry, revoke the license of an electricity trader, in public interest, in the following cases under section 19 of the Act:
 - (a) where the licensee makes, willful or prolonged default in doing anything which is required to be done under the Act and the rules or regulations made thereunder or the licence.
 - (b) where the trading licensee has failed to comply with all the regulations, codes, standards, orders or directions issued by the Commission or otherwise committed any act which renders the license revocable on grounds provided in the Act or the rules and regulations made thereunder.
 - (c) fails to show to the satisfaction of the Commission:
 - (i) that he is in a position to fully and effectively perform duties and obligations imposed on him under the license.
 - (ii) to make deposit or furnish the required security or pay the fee or other charges required to be paid under the license.

- (d) Where, in the opinion of the Commission, the financial position of the licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed on him; and
- (2) Where the public interest so requires, the Commission may on an application or with the consent of the licensee, revoke his license, either in whole or part thereof, as it may deem necessary.
- (3) Before revoking a trading license, the Commission may make alternate arrangement for the discharge of the duties and responsibilities under the license, as it may consider necessary in public interest. All such arrangements shall be at the cost of the trading licensee only.
- (4) The Commission may, instead of revoking the licensee under sub-section (1) above, permit the license to remain in force and impose further restrictions / conditions as it may deem fit, which shall be binding and implemented by the licensee.
- (5) The Commission shall specify the date of effect of revocation in its order revoking the license.
- (6) Where the Commission has given notice of revocation of license under sub-regulation (1) above, and without prejudice to any penalty that maybe imposed or initiation of proceedings for prosecution, the licensee may, with prior approval of Commission, sell his utility or business to any other person, who is eligible for grant of license by the Commission.
- (7) No license shall be revoked by the Commission unless a notice of three months, in writing, is given to the licensee intimating the ground on which it proposes to revoke the license and the Commission considered the representation submitted by the licensee within the notice period against the revocation of license.

Chapter – 3

Miscellaneous

22. Savings

Nothing contained under these regulations shall affect the rights and privileges of a consumer under any other law for time being in force, including the Consumer Protection Act, 1986 (68 of 1986)

23. Grievances of consumers

- (1) In case of any dispute or complaint in respect of supply, the consumer shall be entitled to approach the concerned Forum for redressal of grievances of consumers under sub-section (5) of section 42 of the Act.
- (2) An appeal on the decision of the Forum shall lie to the Ombudsman in accordance with the provisions of sub-section (6) of section 42 of the Act.

24. Settlement of disputes and arbitration

- (1) The Commission shall adjudicate the disputes between the licensees or refer any dispute for arbitration on application by any licensee.
- (2) The Commission shall issue notices to all concerned licensees indicating the details of the dispute (s) and after hearing of the parties concerned, the Commission shall pass such orders / directions as it may deem necessary.
- (3) If any licensee is not satisfied with the order / directions passed by the Commission, the licensee shall make a request to the Commission for appointment of any Arbitrator.
- (4) On receipt of an application from the licensee for appointment of an Arbitrator, the Commission shall appoint an Arbitrator under section 86 (f) of the Act duly indicating the terms and conditions for such appointment for settlement of dispute.
- (5) The Arbitrator, nominated by the Commission, on hearing of the concerned parties shall pass a speaking order giving reasons for the conclusions arrived at on all the issues raised.
- (6) The Commission, on receipt of the award, given by the Arbitrator, shall consider the award and pass final orders, as it deems fit.
- (7) The cost of the Arbitration shall be borne by the concerned licensee (s), as may be decided by the Commission.

25. Studies relating to trading activity

The Commission may *suomoto* initiate or direct the trading licensee to undertake study on the trading activities or any matter relating to the trading business in public interest. The cost of such studies and other expenses shall be allowed as a pass through by the trading licensee in its expected revenue requirement.

Chapter – 4

Accounts

26. Accounts of trading licensee

- (1) The trading licensee shall maintain separate accounts for his intra-state trading business in accordance with the guidelines issued by the Commission from time to time. Till such time the Commission issues these guidelines, the trading licensee shall maintain the accounts in accordance with the provisions of the Companies Act, 1956 as amended from time to time.
- (2) The trading licensee shall prepare on a consistent basis such records, accounting statements for each financial year comprising a profit and loss account, a balance sheet, a statement of sources, application of funds etc. along with required notes thereto.
- (3) The licensee shall show separately the amounts for revenue, costs, assets, liabilities, reserves or provisions made which have been
 - (a) charged from or to any other business along with a description of the basis for that charge; and / or
 - (b) determined by apportionment or allocation between the various business activities together with a description of the basis of such apportionment or allocation.
- (4) The trading licensee shall not normally change the basis of charge or apportionment or allocation of revenues or expenditure while preparing the accounting statements for a financial year, except with the prior approval of the Commission. Any change made by the licensee in the basis of charge or apportionment or allocation of revenues or expenditure shall be in accordance with the provisions of the Companies Act, 1956 (1 of 1956), the accounting standards or regulations and the guidelines issued by the Commission from time to time.
- (5) Where a trading licensee has changed the basis of charge, apportionment or allocation adopted in financial year immediately preceding, he shall, if directed by the Commission, also prepare and submit to the Commission such accounting statements on the basis of charge, apportionment or allocation which it has applied for the immediately preceding financial year.
- (6) The trading licensee shall also submit a report from the authorized auditors in respect of each financial year to the Commission stating that in their opinion the accounting statement, prepared as per sub-regulation (4) above, give a fair and true position of the revenues, costs, assets, liabilities, reserves and provisions attributable to the licensed trading business.

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- (7) The trading licensee shall submit to the Commission the specified number of copies of the accounting statements and auditors' report by not later than six months after the closing of the financial year.
 - (8) Any authorized officer of the Commission shall be entitled to inspect the books of the licensee and the licensee shall render all assistance to such authorized person.
 - (9) Furnish required data or information to the Commission relating to the accounts maintained as and when directed.

27. Power to Relax

The Commission retains the power to relax any of the provisions of these regulations in individual cases based on merits of each case duly recording the reasons for the same.

Annexure – I**Application form for Intra State Trading Licence****[See Regulation 4 (1)]****Part – A: GENERAL INFORMATION OF APPLICANT**

1. Details of Applicant

- a. Full Name of the Applicant :
- b. Full Address of the Applicant :
- c. Name, Designation & Address
of Contact Person :
- d. Contact Telephone Numbers:
Fax Number(s) :
Email ID :

2. Details of Ownership

- a. Company / Firm / Co-op Society / Individual / Others :
- b. Details of Incorporation / Registration
Place of Incorporation / Registration :
Year of Incorporation :
Registration Number :
- c. Names and Addresses of Directors / Partners / governing body
members / Others
- d. Permanent Account Number allotted by Income Tax Department

3. Principal Share holders / Partners / Members :

4. Details of the area of operation

- a. Nature of other trading licensee or authorisation, if any, of the applicant for electricity
trading already granted:

5. Details of Operation

Maximum trading volume proposed to be undertaken by the applicant on a monthly basis for
the first three years; (In Million units and capacity)

6. Funding arrangements (source of funding) to meet the obligations :
7. Arrangement for purchase of energy
8. Arrangement, if any, proposed with other existing trading, transmission and distribution licensees
9. Resume of the Organization giving details of
 - a. Management capability
 - b. Financial strength
 - c. Ability to attend to the activities in a sustainable manner
10. Date from which licence is sought

Date

Signature of the Applicant

Part – B: LIST OF DOCUMENTS TO ACCOMPANY LICENCE APPLICATION

1. Documents (attested copies) to be submitted along with the licence application
 - (a) Information relating to existing licence (if any), with copy of licence / Sanction No. and date.
 - (b) Certificate of Incorporation / Registration
 - (c) Certificate of commencement of Business
 - (d) Original Power of Attorney of the Signatory to commit the Applicant or its Promoter.
 - (e) Articles of Association, Memorandum of Association and similar statutory documents
 - (f) Details of Income Tax: PAN / TAN No.:
2. Organizational and Managerial Compatibility of Applicant
 - (a) Managerial
 - (i) Senior management's curriculum vitae
 - (ii) Cadre strength for different categories (technical and non-technical)
 - (b) Financial
 - (i) Bank references certifying that the Applicant is financially solvent
 - (ii) Annual Audited Reports for the past 5 years of the Applicant and of any Holding Company, Subsidiary or affiliated company (if any).
 - (c) Any other documentary evidence to substantiate the financial capabilities, technical competence etc.
3. Data relating to the Applicant's Proposed Business
 - (a) Approach and Methodology (Applicant is required to describe Approach and Methodology adopted for finalizing the Trading arrangements by the Applicant)
 - (b) Business plan (5 years projections) for the proposed trade business for which licence is sought (which should contain year wise projections of growth in trade volumes, metering plan, treatment of previous losses, debt restructuring plan, projection in regard to projected profit and loss account, balance sheets, cash flow statements and important financial parameters).
 - (c) Five years annual forecasts of costs, sales, revenues, financing and funding arrangements (clearly specifying the assumptions involved)
 - (d) any other information relating to the proposed trading in electricity

Date**Signature of the Applicant**

Part C : FORMAT FOR ASSESSING COMPETENCE OF APPLICANT

[To be filled in by the applicant or by each participant separately in case of JVC/ consortium (As applicable)]

1. Previous Experience (Past 5 years details for Related Business)

A. General Information					
Does the applicant have previous experience in electricity trading? If yes, Specify details of experience, location (State / Country) etc.	Yes / No				
Does the applicant have trading experience in any other related sector? If yes, name the sector Specify location? (State / Country)	Yes / No				
B. Details of electricity trading in the last 5 years – Commercial Operations	Year 1	Year 2	Year 3	Year 4	Year 5
Trading volume at various voltage levels (Million Units) (a) Bulk trade (b) Retail trade					
Number of Ongoing Contracts with details (a) Bulk trade (b) Retail trade					
Bulk trade (Nos. and Quantum) End consumers Re-sellers(s) / Trader(s)					
Retail trade Consumer Base (Nos. and Quantum) High Tension Low Tension					

Revenue from electricity trading (Rs. Lakhs)					
(a) Bulk trade					
(b) Retail trade					
C. Details of trading in other sectors during the last 5 years – Commercial Operations	Year 1	Year 2	Year 3	Year 4	Year 5
Trading volume (_____ Units)					
(a) Bulk trade					
(b) Retail trade					
Revenue from trading (Rs. Lakhs)					
(a) Bulk trade					
(b) Retail trade					
Number of Ongoing trading Contracts with details					
(a) Bulk trade					
(b) Retail trade					
D. Financial Information (Rs. lakhs)	Year 1	Year 2	Year 3	Year 4	Year 5
(i) Equity					
Promoters'					
Government/ Financial					
Institutions					
Public					
Others					
(ii) Assets					
(iii) Liabilities					
Long Term					
Short Term					
(iv) Income					
Electricity trading					
Other sources					

(v) Expenses					
Administration and General Expenses					
Employee Cost					
Depreciation					
Interest and Financial Charges					
Long Term					
Short Term					
Other issues					
(vi) Profits and Returns					
Net Profits					
Dividends Paid					

2. Details of Proposed Trading Activity (Business for which licence is sought)

[To be filled in by the applicant or by each participant separately in case of JVC/ consortium (As applicable)]

Funding	
Whether applicant himself finances the proposed trading fully (If yes, details to be furnished)	Yes / No
Proposed means of Finance	
(a) Equity (Rs. Lakhs) Applicant Co-promoters Others (<i>specify</i>)	
(b) Debt Domestic (Rs. Lakhs) Indian Financial Institutions Commercial Banks Others (<i>specify</i>) International (FC Million) Supplier's Credit Direct Borrowing Others (<i>specify</i>) Equivalent INR (with Exchange rate used)	
(c) Others (<i>specify</i>)	

<p>In case trading activity is proposed to be jointly funded along with External Agency</p> <p>Name and Address of the Agency, and contact details of the person or the Agency (name, address, telephone/fax numbers, email etc.,)</p> <p>(a) Proposed equity by Applicant (b) Proposed Equity from the Agency (Rs. Lakhs)</p> <p>(c) Agency's equity as a percentage of total equity (%)</p> <p>Nature of proposed tie-up between Applicant and the other agency – (Copy of the contract deed to be furnished).</p>	
<p>Details of debt proposed for trading activity</p> <p>(a) Details of Lenders (name & address).</p> <p>(b) Details of Loan packages indicating the loan amount, currency, Term of loan, interest rate, up-front fees, Commitment charges etc.</p> <p>(c) Whether any guarantee is being sought for the loans from any agency.</p> <p>(d) If Yes, provide details</p>	<p>Yes/ No</p>
<p>Minimum level of communication infrastructure available</p> <p>(specific details)</p>	<p>Telephone / Fax / Internet / V-Sat</p>

Note :

Consent letters of the other Agency and Contractors willing to associate with the Applicant for the above project to be enclosed.

Necessary approvals and no objection certificates to be obtained from the concerned at appropriate time by the applicant and forwarded to the Commission, as and when required.

3. Qualifications and Expertise (Personnel)

Name of personnel	Status in the firm	Qualification	Specialization	Years of experience
1.				
2.				
3.				
4.				
5.				

Note : Atleast one full time professional, having experience in each of the disciplines like Power Systems Operation, Finance should be part of the Core team.

Knowledge and understanding of power systems operation (covering generation availability, capacity utilization, demand, plant load factor, flow of electricity etc), power market operations ,commercial arrangements(PPAs, BSA, TSA, etc) and communication and scheduling of power (load dispatch are required)

4. Revenue Potential (Trading for which licence is sought)

General Information	
Details of proposed Bulk consumers End consumers Reseller(s) / Trader(s)	
Retail consumer base (Nos.) High Tension Low Tension	
Trading of electricity (expected annual) Bulk Trade Expected quantum (mu) Anticipated demand growth (%) Retail Trade Expected quantum (mu) Anticipated demand growth (%)	

Commercial Information	
Existing Average Tariff (Rs./ Unit)	
Bulk supply tariff	
Retail supply tariff	
High tension	
Low tension	
Financial Information	
Expected Annual turn over (Rs. Lakhs)	

Note: Rating certificate from the competent authority to be furnished for the existing business.

5. Financial Soundness (Other Subsidiary Business Units)

[To be filled in by the applicant or by each participant separately in case of JVC/ consortium (As applicable)]

General Information					
Names of Subsidiary Business Units 1. 2. 3. 4. 5.	Products Manufactured/ Services 1. 2. 3. 4. 5.				
Banker's details Details of Bank Accounts Name and Address of the Bank Account Number Contract person & details Name of the representative Designation Contact numbers e-mail ID					
Financial Information	Year 1	Year 2	Year 3	Year 4	Year 5
Fixed Assets Gross Fixed Assets Accumulated Depreciation Net Fixed Assets					

Equity Promoters' Government/ Financial Institutions Public Others					
Liabilities Long Term Short Term					
Income Sale of Power Others (<i>specify</i>)					
Expenses Administration and General Expense Repairs and Maintenance Employee Cost Depreciation Interest and Financial Charges Long Term Short Term Others (<i>specify</i>)					
Financial Indicators	Year 1	Year 2	Year 3	Year 4	Year 5
Overall Turnover (Rs. Lakhs)					
Profits and Returns (Rs. Lakhs) Net Profits Dividends Paid					
Operating Ratios Return on Equity Return on Capital Employed Return on Net Fixed Assets					
Liquidity Ratio Debt Service Coverage Ratio Current Ratio Quick Ratio					

Capital Adequacy and Credit Worthiness Debt/ Net worth Debt/ Equity					
Turnover Ratio Total Asset Turnover Fixed Asset Turnover					

6. Baseline Information (Business for which licence is sought)

Commercial Information	
Metering Status Total interconnection points Unmetered interconnection points Consumers with TOD meters Metered retail consumers Unmetered retail consumers Consumer with TOD meters	
Billing Status Billing (as a % of Total Input)	
Loss Commercial loss (%)	

Note :

1. Certificates/documents in support of all the credentials detailed above, from the Owner/ Client for whom the projects were promoted should be submitted along with the application.
2. Wherever conversion factor is used (for currency conversion and others), mention the conversion factor used for this purpose.

Date

Signature of the Applicant

Annexure II

FORMAT OF LICENCE OF AN ELECTRICITY TRADER

Licence granted for Trading in electricity

[See Regulations 4 (5) (i)]

The Meghalaya Electricity Regulatory Commission (hereinafter referred to as “the Commission”), in exercise of the powers conferred under section 14 of the Electricity Act, 2003 (Act 36 of 2003, hereinafter referred to as “the Act”), hereby grants this licence as a Category _____ trader to _____, (hereinafter referred to as “the licensee”) to trade in electricity in the State of Meghalaya subject to the terms and conditions contained in the Act, the rules made by the Central Government (hereinafter referred to as “the Rules”) and the regulations specified by the Commission (hereinafter referred to as “the Regulations”), including statutory amendments, alterations, modifications, re-enactments thereof, which shall be read as part and parcel of this licence.

The licence shall come into effect from

PART – I

DEFINITIONS

1. Words, terms and expressions to which meanings are assigned by the Electricity Act 2003 (36 of 2003), shall have the same meaning in these General Conditions.
2. Unless the context otherwise requires:
 - (a) “**accounting statement**” means for each financial year, accounting statements for the licensed business comprising a profit and loss account, a balance sheet and a statement of sources and application of funds, together with notes thereto as detailed under the Companies Act, 1956 (1 of 1956) or other Acts under which the licensee is governed and such other particulars or details as the Commission may prescribe from time to time. If the trading licensee engages in any other business or activity in addition to the licensed business, the accounting statements shall be maintained for such other business and show specifically the amounts of any revenue, cost, asset, liability, reserve or provision, which has been either:
 - (i) diverted from the licensed business to any other business or vice versa together with a description of the basis of that charge; or

- (ii) the mode of apportionment or allocation between the licensed business and any other business of the licensee together with a description of the basis of the apportionment or allocation.
- (b) “**Act**” means the Electricity Act, 2003 (Act 36 of 2003)
- (c) “**agreement**” means agreement entered into by the licensee with the seller of electricity, buyer of electricity, other licensees, State Load Despatch Centre, consumer etc. that enables the trading transactions to take place;
- (d) “**annual accounts**” means the accounts of the licensee (profit and loss account, balance sheet and other related statements to the trading business) prepared in accordance with the provisions of the Companies Act, 1956 and/or in such other manner as may be specified by the Commission in accordance with the provisions of the Act;
- (e) “**area of activity**” means the trading activity in electricity in the State of Meghalaya;
- (f) “**auditors**” means the licensee’s auditors holding office in accordance with the requirements of sections 224 to 234A or section 619 as appropriate, of the Companies Act 1956 (1 of 1956);
- (g) “**authorized**”, in relation to any person, business or activity, means authorized by licence granted under section 14 of the Act or deemed license under the first, third and fifth provisos to section 14 of the Act or exemption granted under section 13 of the Act and these regulations;
- (h) “**Commission**” means the Meghalaya State Electricity Regulatory Commission (MSERC);
- (i) “**Conduct of Business Regulations**” means the Meghalaya State Electricity Regulatory Commission - Conduct of Business Regulations for the time being in force;
- (j) “**customer**” means any buyer purchasing electricity from the trader, viz. distribution licensee, any other trading licensee or any other customer that the licensee enters into a sale agreement.
- (k) “**Deemed licensee**” means a person as defined under first, third and fifth provisos under section 14 of the Act.
- (l) “**Force Majeure**” means events beyond the reasonable control of the licensee, including, but not limited to earthquakes, cyclones, floods, storms, adverse weather conditions, war, terrorist attacks, civil commotion or other similar occurrences that leads to any act that would involve a breach of relevant laws or regulations by the licensee;
- (m) “**licence**” means a licence granted under section 14 of the Act;

- (n) “**licensee**” means a person who has been granted a licence by the Commission under section 14 of the Act;
- (o) “**licensed business**” means the business of trading in electricity in the area of activity as authorized under the licence;
- (p) “**open access**” means the non-discriminatory provision for the use of transmission lines or distribution lines or transmission systems or distribution systems or associated facilities with such lines or systems by any licensee or customer or a person engaged in generation in accordance with the regulations specified by the Commission;
- (q) “**person**” shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- (r) “**regulations**” means the regulations made by the Commission, under section 181 of the Act;
- (s) “**State**” means the State of Meghalaya;
- (t) “**State Government**” means the Government of Meghalaya;
- (u) “**subsidiary**” shall have the same meaning as in section 4 of the Companies Act 1956 (1 of 1956);
- (v) “**supply**” in relation to electricity means the sale of electricity to a person, licensee or consumer within the State of Meghalaya ;
- (w) “**Electricity Supply Code**” means the Code published by the Commission under section 50 of the Act;
- (x) “**trader**” means a person who has been granted a licence or a deemed licensee to undertake trading in electricity under section 14 of the Act;
- (y) “**trading**” means purchase of electricity for resale thereof and the expression “trade” shall be construed accordingly;
- (z) “**trading business**” means the business of the under a license granted by the Commission under section 14 of the Act;
- (aa) “**transfer**” shall include the sale, exchange, gift, lease, licence, securitisation, mortgage, charge, pledge or grant of any other encumbrance or otherwise permitting of any encumbrance to subsist or parting with physical possession of the asset relating to the licensed business;
- (ab) “**transmit**” means conveyance of electricity by means of transmission lines and the expression “transmission” shall be construed accordingly;
- (ac) “**transmission licensee**” means a licensee authorized to establish or operate transmission lines;

- (ad) “**transmission system**” means the system consisting mainly of extra high voltage electric lines having design voltage of 66 kV and higher, owned or controlled by the transmission licensee, and used for the purposes of the conveyance of electricity and includes all bays/equipments upto the interconnection with the distribution system, and any plant, apparatus and meters owned or used in connection with the transmission of electricity, but shall not include any part of a distribution system;

PART – II

GENERAL CONDITIONS

3. TERM OF THE LICENCE

- (1) The trading licence shall come into force on _____ (the date to be specified by the Commission) in the order granting this licence and unless revoked by the Commission earlier, under section 19 of the Act , the license shall remain in force for a period of 25 (Twenty five) years from that date.
- (2) This trading licence is not transferable except under orders of the Commission.

4. COMPLIANCE WITH LAWS, RULES AND REGULATIONS

- (1) The trading licensee shall comply with the provisions of the Act, rules, regulations, orders and directions issued by the Commission from time to time.
- (2) The trading licensee shall act in accordance with the General Conditions specified except where the licensee is exempted from any provisions of these General Conditions or specifically permitted by the Commission for any deviation.
- (3) The trading licensee shall duly comply with the orders and directions of the National Load Despatch Centre, Regional Load Despatch Centre and the State Load Despatch Centre and other statutory authorities issued in the discharge of his functions.

5. GENERAL CONDITIONS OF THE TRADING LICENSEE

- (1) The trading licensee shall engage in the business of trading in electricity in the State provided that any such sale or supply of electricity to a customer shall be subject to the trading margin that may be approved by the Commission from time to time.
- (2) The trading licensee shall have in place all agreements, for the purchase, sale and supply of electricity including the billing and settlement agreement, with all necessary authorizations as required by it to perform its obligations under such agreements and the

conditions specified in this license. The licensee shall submit to the Commission copies of all such agreements for its information.

- (3) The trading licensee shall not, without the prior approval of the Commission:
- (a) undertake any transaction to acquire by purchase or takeover or otherwise, utility of any other licensee in its area of activity; or
 - (b) acquire any beneficial interest in any generating company or generating station or distribution licensee or any other trading licensee; or
 - (c) merge its utility with any other licensee within the State; or
 - (d) transfer its licence, or its utility, or any part thereof, by sale, lease, exchange or otherwise;

Any agreement relating to any transaction referred to in sub-clauses (a) to (d) made without the approval of the Commission, shall be invalid.

- (4) To obtain the approval of the Commission as aforesaid, the licensee shall file an application in the specified format with the Commission disclosing all relevant facts in that behalf and the Commission shall dispose of such application expeditiously.
- (5) The grant of this trading licence to the licensee shall not in any way restrict the right of the Commission to grant a licence to any other person within the licensee's area for trading in electricity as an electricity trader.
- (6) If the contract of the trading licensee with its customer is for a fixed term, the licensee shall inform the customer well in advance of the expiry of the term of the agreement and initiate action for its continuance with customers.
- (7) The trading licensee shall comply with all the requirements in accordance with the provisions of the Act, the rules and the regulations made thereunder, Meghalaya State Electricity Grid Code, Meghalaya State Electricity Distribution Code, Meghalaya State Electricity Supply Code, other codes, orders and directions issued by the Commission from time to time.
- (8) The trading licensee shall maintain an upto date register or record of all the business transactions.
- (9) The trading licensee shall fulfill the technical requirement, capital adequacy requirement and creditworthiness specified by the Commission in the regulations, as amended from time to time, and submit quarterly reports to the Commission on a regular basis.
- (10) The trading licensee shall increase its net-worth if the quantum of trade moves from a lower category to a higher category and the change of category shall be based on the volume of electricity trade as on 31st March of each year for which the licensee shall

- keep the Commission informed of the changes in the net worth as and when it occurs, as directed by the Commission.
- (11) The trading licensee shall establish adequate communication facilities like telephone, fax, computer, internet facilities etc before undertaking trading.
 - (12) The trading licensee shall render all assistance for carrying out inspection of the transactions relating to the licence to any person authorized to inspect by the Commission.
 - (13) The trading licensee shall pay the initial / annual licence fee as specified by the Commission.
 - (14) The trading licensee shall purchase the energy required for meeting its obligations to its customers in an economical manner and in a transparent manner in accordance with the guidelines, directions etc issued by the Commission from time to time.
 - (15) The trading licensee shall comply with all the guidelines or directions issued by the State Load Despatch Centre and assist in maintaining maximum economy in operation of the power system.
 - (16) The trading licensee shall make an application to the Commission whenever intervening transmission facility to arrange additional / surplus capacity available is required subject to payment of rates and charges, terms and conditions etc as specified by the Commission.
 - (17) The trading licensee shall introduce systems and procedures necessary for complying with conditions specified in the licence.
 - (18) The trading licensee shall not enter into any Agreement or abuse its dominant position or enter into a combination, which is likely to cause or causes an adverse effect on competition in the electricity industry.
 - (19) If the trading licensee anticipates that it will be unable to meet any of the obligations under this licence, it shall as soon as possible intimate the Commission and give sufficient reasons for the same.
 - (20) Any other special condition that may be specified by the Commission as it deem fit as necessary.

6. ACCOUNTS

- (1) Unless otherwise specified by the Commission, the financial year of the trading licensee for the purposes the licensed business shall be from the first of April to the thirty-first of March of the following year.

-
- (2) The trading licensee shall, in respect of the licensed business and any other business:
- (a) prepare and maintain, on a consistent basis, such accounting records and submit to the Commission
 - (i) the accounting statements; such as profit and loss account, balance sheet or any other statements specified by the Commission, in particular and as per the provisions of the Companies Act, 1956 as amended from time to time.
 - (ii) submit to the Commission on specified dates, the profit and loss account, cash flow statement and balance sheet together with such supporting documents and information as the Commission may prescribe from time to time;
 - (iii) in respect of the accounting statements prepared, an auditor's report for each financial year, stating that in their opinion these statements have been properly prepared in accordance with the Companies Act, 1956 and give a true and fair view of the revenues, costs, assets, liabilities, reserves and provisions of, or reasonably attributable to such businesses to which the statements relate; and
 - (iv) copies of the audited accounting statements and auditor's report shall be submitted to the Commission within six months after the close of the financial year to which they relate.
- (3) The trading licensee shall not normally change the basis of charge or apportionment or allocation of revenues or expenses for preparation of the accounting statements in respect of a financial year from those applied in respect of the previous financial year, without prior intimation to the Commission. Any change, if proposed, in the basis of charge or apportionment or allocation of revenues or expenses shall be consistent with the provisions of the Companies Act, 1956, the accounting standards or rules and any guidelines issued by the Commission in this regard.
- (4) Where, in relation to the accounting statements in respect of a financial year, the licensee has changed the basis of charge or apportionment or allocation from those adopted for the immediately preceding financial year, the licensee shall, if requested by the Commission, (in addition to preparing accounting statements on the basis it has adopted), prepare also such accounting statements on the basis which it has adopted in the immediately preceding financial year.
- (5) As directed by the Commission, the trading licensee shall:
- (a) prepare and publish the annual accounts of the trading licensee, in the manner specified herein;
 - (b) furnish the accounting policies adopted;

- (c) prepare the accounts and statements in accordance with generally accepted Indian accounting standards;
- (6) The references to costs or liabilities reasonably attributable to licensed business or other business shall be construed as excluding taxation.
- (7) the trading licensee shall maintain separate accounts for the licensed business and other business to ensure that the assets and liabilities of the licensed business are not encumbered by the other businesses of the trader.
- (8) The Commission may require the licensee to comply with the provisions of sub clause (1) to (7) above treating the trading and other activities of the licensee as separate and distinct businesses and in accordance with any guidelines issued by the Commission in this regard.
- (9) Any person authorized by the Commission shall be entitled to inspect and verify the accounts of the trading licensee and the licensee shall render all necessary assistance to such person.

7. PROVISION OF INFORMATION TO THE COMMISSION

- (1) The trading licensee shall furnish to the Commission without undue delay such information, documents and details related to the licensed business or any other business of the licensee, as the Commission may require for its own purposes or for the purposes of the Government of India, State Government, the State Transmission Utility, The State Load Dispatch Centre, the Central Commission and/or the Central Electricity Authority.
- (2) The trading licensee shall furnish to the Commission the information as may be required from time to time to monitor the licensee's performance and compliance of the terms and conditions of the licence and any other legislative or regulatory requirement in the manner required by the Commission.
- (3) The trading licensee shall file the annual revenue requirements as may be directed by the Commission and in the form and manner specified thereto, to enable the Commission to determine the trading margin for the trading business of the licensee.
- (4) The trading licensee shall promptly inform the Commission about any incident restricting it from meeting its obligation under the licence including any act of omission or commission by others and steps taken by the licensee to mitigate the effect of such incident. The trading licensee shall notify the Commission as soon as possible the

occurrence of any other incident which materially affects any part of its trading activities or any event, by not later than thirty days from the date of such occurrence; as under:

- (a) submit a report to the Commission giving full details of the facts within the knowledge of the licensee regarding the incident and its cause; and
 - (b) give copies of the report to all parties concerned with such incident and to such other persons as the Commission may direct.
- (5) The Commission may, by order, after providing an opportunity of hearing, direct the trading licensee to pay such amount of compensation as the Commission may direct, to persons who are affected or prejudiced by any act of commission, omission or negligence on the part of any of the employees or agents of the licensee.
- (6) The trading licensee shall submit a business plan in accordance with the provisions of MSERC (Terms and Conditions for determination of tariff) Regulations - 2010.

8. CAPITAL ADEQUACY, CREDIT WORTHINESS NORMS TO BE MAINTAINED

- (1) The trading licensee shall comply with the regulations, guidelines, directions and orders which the Commission may issue from time to time in regard to the technical and financial parameters and norms to be maintained at all times by the trading licensee.
- (2) The net worth at any point of time during the period of trading shall not reduce below 75% of the minimum requirements specified for the category of trader and shall be replenished at the end of every quarter (i.e) March, June, September & December every year to the specified levels.
- (3) The trader shall maintain investment grade credit rating duly certified by a leading independent Credit Rating Agency to the effect.
- (4) The non-maintenance of the technical and financial parameters as per sub-clause (1) above shall amount to a material breach of the obligations under the licensee;

9. PAYMENT OF LICENCE FEES

- (1) Within thirty days or such further period as the Commission may allow after the coming into force of this licence, the licensee shall pay to the Commission a fee as may be specified by the Commission and on a prorata basis for the balance period of the year in quarterly instalments as specified in sub-clause (2).
- (2) The Commission may, from time to time revise the licence fee payable by the licensee. The Commission may publish the annual licence fee payable by the licensee on/ or before the start of each financial year.

- (3) Where the trading licensee fails to pay to the Commission any of the fees due under sub-clauses (1) or (2) by the due dates:
- (a) without prejudice to other obligations, the licensee shall be liable to pay interest on the outstanding amount at a simple interest rate specified by the Commission, the interest being payable for the period beginning on the day on which the amount became due, and ending on the day on which the payment is made to the Commission; and
 - (b) in the event of continued default by the licensee, the Commission may revoke this licence pursuant to section 19 of the Act and regulation 21 of these trading regulations.
- (4) The trading licensee shall be entitled to take into account any fee paid under clauses (1) and (2) above as an expense in the determination of aggregate revenues, but shall not take into account any interest paid pursuant to clause (3) above.

10. AMENDMENT OF LICENCE CONDITIONS

Any terms and conditions of licence may be altered or amended by the Commission at any time in public interest in exercise of powers under section 18 of the Act as under:

- (a) where the licensee has made an application under sub-section (2) (a) of section 18, of the Act proposing any alteration or modifications to the terms and conditions of licence, the licensee shall publish a notice of such application with such particulars and in such manner as specified in Regulation 12 of the regulations;
- (b) in the case of an application proposing alterations or modifications in the area of activity comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes, the Commission shall make any alterations or modifications only with the consent of the Central Government;
- (c) where an alteration or modification is proposed, the Commission shall publish the proposed amendment, alteration or modification to the license with such particulars and in such manner as may be required. The Commission shall not make any alteration or modification unless all suggestions or objections received within thirty days from the date of the publication of the notice have been considered.
- (d) The Commission may, with reasons recorded in writing, and after providing reasonable opportunity to the licensee to be heard, issue such appropriate orders modifying or amending the conditions of this licence, as it consider appropriate.

11. SETTLEMENT OF DISPUTES

The provisions contained in regulation 24 of these regulations shall apply to any dispute between the trading licensee and any generating company or transmission licensee or consumers or distribution licensee and such disputes shall be settled in accordance with the provisions contained in the said regulation.

12. TARIFF, TRADING MARGINS AND EXPECTED REVENUE CALCULATION

- (1) The trading licensee shall calculate the expected revenue from the trading margin, which it is permitted to recover as approved by the Commission, the terms and conditions and other guidelines, orders and directions issued by the Commission from time to time.
- (2) The trading licensee shall file the expected revenue calculation in the manner on the date specified by the Commission.
- (3) The trading licensee shall submit to the Commission every year, not later than 30th November, a statement with full details of its expected aggregate revenues and cost of service for the ensuing financial year for its licensed business in accordance with the provisions of the Act and the regulations, guidelines and orders issued by the Commission from time to time.

13. COMPLIANCE AND SUBMISSION OF INFORMATION TO STATE LOAD DESPATCH CENTRE & CENTRAL ELECTRICITY AUTHORITY

- (1) The trading licensee shall comply with the provisions of codes and regulations published / specified by the Commission and directives of the Commission issued from time to time;
- (2) The trading licensee shall submit to the State Load Dispatch Centre (SLDC) all information pertaining to the trade of electricity by the licensee and the SLDC shall verify the information provided by the licensee on quantum of electricity traded as against its reports and submit a review report to the Commission.
- (3) The trading licensee shall submit information to the Central Electricity Authority as required under section 74 of the Act;
- (4) The trading licensee shall pay the SLDC charges as may be specified by the Commission from time to time;
- (5) The trading licensee(s) shall comply with the trading margin fixed by the Commission.

14. PRUDENTIAL REPORTING

- (a) The trading licensee, shall, as soon as practicable, report to the Commission any significant changes in its business which may affect the licensee's ability to meet its obligations under the Act, rules and regulations directions / orders issued by the Commission.
- (b) Any major change in shareholding pattern, ownership or management of the licensee.

15. COMMUNICATION

- (1) All communications relating to the trading licence shall be in writing and shall be delivered either in person to the addressee or his authorized agent, or sent by registered/speed post to the place of business of the addressee.
- (2) All communications shall be regarded to have been given by the sender and received by the addressee:
 - (a) when delivered in person to the addressee or to his authorized agent;
 - (b) on expiry of fifteen days from the date of sending by registered/ speed post at the address of the addressee.

16. INTRODUCTION OF COMPETITION IN TRADING

The Commission may, after considering applicable Government policy and in consultation with the other licensees and generating companies, formulate guidelines for the introduction of competition in supply / promote the development of a market (including trading of power) in the State.

J. B. POON,
Secretary
Meghalaya State Electricity Regulatory Commission
Shillong.